Lancaster University students, who would usually be based at the Bailrigg
campus, but for a defined period are based at another institution for part of
their programme (e.g. study abroad, placements, exchange). For the periods
such students are at the other institution, they are subject to the discipline
arrangements of their host in addition to these Regulations.

The following students are outside the scope of these Regulations:

- students studying for a Lancaster University award through a collaborative partnership, whether nationally or internationally and not registered with Lancaster University. In such cases students are subject to the non-academic discipline regulations within their respective institution, as agreed through the legal memoranda and associated documents between the University and its partner.
- 2.2 Students are subject to these Regulations regardless of location, for example off campus or via social media.
- 3. Principles
- 3.1 In the process of maintaining non-academic discipline the University will abide by the following principles.
- 3.2 The University will provide appropriate security to personal data disclosed as part of disciplinary procedures and will only share information where appropriate.
- 3.3 act without prejudice, the University will support the Reporting Party<sup>2</sup> and the Reported Party,<sup>3</sup> as well as Third Parties<sup>4</sup> where they are members of the University.
- 3.4 Reports of possible breaches of these Regulations may be reported by other students, staff or external sources such as visitors, members of the public or people in position of authority (for example the Police). The University encourages third party reporting particularly where there is the potential of harm to others. Where a third party reports, and provides contact information, they will be told when the case has been investigated and whether any action was taken. They will not, however, be given the details of these actions.

The Reporting Party is the person(s) who has been the subject of an incident.

The Reported Party is the person(s) whose behaviour it is alleged amounted to an incident.

- 3.5 Once reported, the Reporting Party will be kept informed of the timescale associated with the investigation and any disciplinary process, and will be provided with appropriate information and support at the condusion of the process. Appropriate information will be case specific and will be determined taking into account the rights to privacy of all parties and the principles of procedural fairness.
- 3.6 There may be incidents where there are multiple Reporting and/or Reported Parties. These Regulations apply in such cases. Where a possible breach involves multiple students, the reported parties may be considered individually or collectively to ensure that the process is fair for all students involved.
- 3.7 Where it is ascertained that there is insufficient evidence, the University reserves the right not to pursue a reported breach.
- 3.8 While legitimate reports are encouraged, the University will not tolerate frivolous, vexatious or malicious reporting. Students or staff suspected of doing this will be subject to investigation of a breach under these Regulations or the relevant staff policy. The fact that a report is not upheld does not, by default, make it frivolous, vexatious or malicious.
- 3.9 Reasonable effort will be made to communicate these Regulations and all students are expected to be familiar with them. Ignorance of these Regulations is not deemed an acceptable excuse for breach.
- 3.10 The University will act promptly to investigate and determine all allegations of a breach of these Regulations and will strive to conclude cases within a maximum of 90 days from the report of the alleged incident.
- 3.11 Under normal circumstances, the University would expect an alleged

- 3.14 These Regulations seek to establish facts and are inquisitorial rather than adversarial in nature. Information is determined through investigation and questioning, not cross-examination. Investigators and Board of Discipline members are provided with guidance and, as appropriate, training.
- 3.15 When determining whether there have been breaches of the Student Discipline Regulations, the standard of proof used is balance of probability to determine what is more likely than not to have occurred.
- 3.16 Guidance on the specific operational arrangements for each type of meeting will be made available to all those involved.
- 3.17 Students may be accompanied to a disciplinary meeting or Review Panel. Students are encouraged to make use of the advice services provided by the Union. It is the normal expectation that in disciplinary meetings or review panels students will speak for themselves, and that those who accompany them will be there for support. However, where a student wishes to be represented, including legal representation, this is acceptable. Any representation must be made known no later than five working days before the meeting. If the student does not provide this information by the deadline, it will be at the discretion of the Chair of the meeting whether or not the student may be represented at the meeting. The person chairing the meeting reserves the right to refuse to allow the accompanying/representing person where there is a dear conflict of interest (for example where the person accompanying is also subject to these Regulations for the same or a related breach).
- 3.18 The University strongly discourages the use of family members as either companion or representative as experience has demonstrated that this can detrimentally affect the dynamics of the meeting.
- 3.19 Failure, without good cause, to appear on the due date and time when summoned to a meeting may attract an automatic fine. A failure to attend will not stop the meeting proceeding. Disciplinary cases can be considered in the absence.
- 3.20 Intercalation or withdrawal from the University will not necessarily stop procedures under these Regulations. Where the University determines that it is in its interests, the interests of other student(s) or those of the public, to proceed, it reserves the right to do so.
- 3.21 Normal practice for the University is that witness evidence will be considered through written witness statements. Exceptionally, and at the discretion of the Chair:
  - (a) anonymized witness statements may be considered; and
  - (b) witnesses may be allowed to appear in person.
- 3.22 Admissibility of evidence will be determined by the person(s) responsible for considering the case at each level, seeking the advice of the Student Conduct Manager as required.

- 3.30 If it is considered that inappropriate conduct may have been the result of a physical or mental health issue (even when undisclosed), the student may be referred for consideration under the Fitness to Study Procedure. Where a student does not cooperate with the Fitness to Study Procedure, or where it is deemed that the student had suitable capacity to manage their behaviour, the University reserves the right to refer the case back for consideration under the Student Discipline Regulations.
- 3.31 Procedures under these Regulations may affect a ability to graduate. In

- 4.9 A risk assessment (see section 5 below) will be undertaken in all cases of criminal conviction before a student is permitted to return to study and before other conditions placed upon them are lifted. The risk assessment may result in restrictions being placed on the student as part of their return to study.
- 5. Managing risk relating to breaches of these Regulations
- 5.1 The University has a responsibility to manage the risks faced by its staff, students and visitors, to fulfil its duty of care to staff and students as well as manage any risk to its reputation. It does this through a process of risk assessment. A risk assessment can be conducted for any alleged breaches of these Regulations, but the normal expectation would be that a risk assessment may be undertaken where:
  - there is a risk of harm to self or others:
  - there is an ongoing risk of serious disruption to students or to the activities;
  - there are safeguarding issues involved;
  - there is a serious risk to the reputation or of the University; or
  - the incident involves the police or other authorities.

Potential outcomes of a risk assessment may include amongst other things temporary exclusion from the University and/or limited use of a building(s) or service(s) which may have detrimental impact on the reported party. The risk assessment will include mitigations for such impact where possible.

5.2 Risk assessments should be carried out in

- 5.5 The outcome of the risk assessment can include, but is not limited to, one or more of the following precautionary actions:
  - no further action to be taken:
  - requirement that the Reported Party and/or the Reporting Party and/or the witness(es) comply with specific conditions, for example, not contacting another student:
  - limiting the use of a particular building/service;
  - involvement of support personnel from Students and Education Services;
  - relocation or alteration to accommodation contracts (for those students living in University accommodation);
  - referral for consideration of a breach of discipline under these Regulations at whichever level is deemed appropriate;
  - temporary exclusion from the University, pending the outcome of relevant due process (e.g. criminal investigations/ proceedings and/or internal investigations/ disciplinary proceedings described in these Regulations);
  - a requirement to study by distance (where feasible), pending the outcome of relevant due process (e.g. criminal investigations/ proceedings and/ or internal investigations/ disciplinary proceedings described in these Regulations).

Any timescales associated with precautionary actions will be clearly defined and communicated to the student, along with the telasorals for the student, along with the telasorals for the student, along with the telasorals for the student of the s

- The risk assessment and any precautionary actions that are put in place will be recorded, reviewed regularly and amended as appropriate by the Director of Students, Education and Academic Services (or nominee) as they deem necessary. Where a change to a risk assessment has an implication for a student, they will be informed in writing by the Director of Students, Education and Academic Services (or nominee) within five working days of the risk assessment review. A risk assessment review will always be held following the outcome of a case to ensure that any risks are identified, considered and mitigated where possible.
- The student against whom the precautionary action has been taken may request a review of the risk assessment outcomes by submitting a written request for a review with all relevant details to the Strategic Planning and Governance Division within five working days of the date of issue of the written confirmation.
- 5.10 The Director of Strategic Planning and Governance (or nominee) will make an initial decision on the risk assessment review. The grounds for review will be:
  - there is evidence that could not reasonably have been made previously available; or
  - there is evidence of a material procedural irregularity; or
  - the decision maker(s) reached an unreasonable decision; or
  - there was bias or reasonable perception of bias during the procedure.

The Director (or nominee) will normally inform the student of their determination within five working days.

- 5.11 Should the review proceed, a senior member of the University nominated by the Vice-Chancellor, supported by the Strategic Planning and Governance Division, will consider the review and may take the following actions:
  - uphold the original decision and confirm the terms of the outcome; or
  - uphold the original decision but reduce or restrict the terms of the outcomes; or

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- The student may ask for the terms of the risk assessment to be reviewed while they are in place where there are clear changes in circumstance. Such a request should be made via the Student Conduct Manager to the senior member of the University nominated by the Vice-Chancellor with reasons and relevant details provided. The senior member of the University nominated by the Vice-Chancellor will respond within ten days of receipt of the request.
- Where a student is temporarily excluded as part of a risk assessment and successfully challenges the exclusion, the Director of Students, Education and Academic Services (or nominee) will determine whether the Reporting Party or Parties ought to be informed of the change of outcome.
- 6. Data handling
- Data relating to these Regulations, including outcomes of student discipline processes, will be held centrally and will be subject to the constraints of the General Data Protection Regulation and Data Protection Act 2018.
- Ouring all aspects of case handling, information will be kept securely and shared only in appropriate circumstances with appropriate people involved in the case. If a Reporting Party chooses to make a Report in order to initiate an investigation by the University, relevant information will need to be shared with the Reported Party in order that they can respond to the allegation(s). All students involved in a case must not share any personal data relating to the case with any individuals not directly involved in the case. Any inappropriate information sharing by any party may lead to disciplinary action. The University reserves the right, and may be under an obligation, to share information e.g. to prevent a crime from taking place, or to comply with statutory obligations. In such cases, the amount of information shared will be kept to a minimum.
- 6.3 Details of disciplinary offences and penalties, and in some cases of allegations or precautionary measures resulting from a risk assessment, may be made

- As detailed in 7.5.17, on a case by case basis, a decision will be made whether the Reporting Party ought to be informed of any or all of the penalties imposed. This decision will take into account the Reported right to privacy and principles of procedural fairness.
- Audio or video recording of proceedings held as part of disciplinary procedures outlined in these Regulations is not standard practice, but can happen under the following conditions:
  - where there is a noted accessibility or other reasonable need; and
  - all parties consent to recording; and
  - terms are set for retention and subsequent deletion of the recording.
- 6.6 Code of Conduct for its student members, along with a procedure that is followed when there is an allegation of an alleged breach of the Code.

there may be cases where it is appropriate for information to be shared between

#### Code of Conduct.

- 6.7 Suitably anonymised data will be considered periodically by relevant committees including the Student Experience Committee, and can be used to support the development of related procedures and structures within the University.
- 7. Disciplinary procedures
- 7.1 The University operates disciplinary procedures at three levels under these Regulations, all under delegated authority of Senate. These are:
  - fixed penalty procedures;
  - summary jurisdiction of discipline;
  - University jurisdiction of discipline.

The University reserves the right to take action at any level as appropriate to the seriousness of the alleged breach and to avoid conflicts of interest. The University also reserves the right to change the level of disciplinary procedures part way through proceedings, e.g. if information comes to light during an investigation that indicates the breach is more or less serious than originally appeared to be the case.

- **7.2** Reporting an alleged breach
  - 7.2.1 Reporting, for the purposes of these Regulations, is the

Reports of an alleged breach of these Regulations can be made to the University by members of the University community or members of the public using the following channels:

- emailing the Student Conduct Manager on student conduct @lancaster.ac.uk;
- making a report via the Unisafe system, available through the iLancaster App or through the Unisafe website;

#### **7.3** Fixed penalty procedures

- 7.3.1 There are defined breaches of these Regulations which result in an immediate fixed penalty fine. Details of fixed penalty fines are located in the relevant documents, for example, the Library Rules.
- 7.3.2 Students will receive written notification detailing the nature of the breach, the level of the fixed penalty fine and outlining the right to request a review. Students will be expected to pay the fine within a specified timescale. Failure to comply may result in a referral of the case to a DLA for consideration at the summary jurisdiction of discipline level.
- 7.3.3 The student may seek a review in relation to a fixed penalty fine by submitting a written request with all relevant details to an appropriate College Principal or the officer named in the written notification. Requests for review must be submitted within five working days of the date of the issue of the fixed penalty fine. The procedures for considering reviews will be as set out in the relevant documents, for example the Library Rules or the Computer User Agreement.
- 7.3.4 The relevant officer/College Principal must keep a record of the breach, fine and outcome.

### **7.4** Summary Jurisdiction of Discipline

- 7.4.1 Where a potential breach of discipline is deemed within the scope of these Regulations, but not of such severity that it requires consideration by the Board of Discipline (see 7.5 below), it will be considered via summary jurisdiction by a Delegated Local Authority (DLA). A list of areas holding delegated local authority and the scope of their delegation is listed in Appendix 1.
- 7.4.2 Where a DLA (who is usually a College Dean or a member of staff reporting to a Professional Services Director) or someone acting on their behalf (such as, in the case of the Colleges, an Assistant Dean), identifies that a student may have breached these Regulations the following procedure will occur.
- 7.4.3 The DLA (or nominee) will write to the student, normally within five working days, setting out the allegations against them, how their behaviour is considered to have breached expected standards, and setting out any associated penalty. Any available supporting evidence will be provided. The letter will also set out any consequences of agreeing to a penalty at this stage. Where the breach is uncontested, i.e. the student readily admits the brnBT/F1 122]TETQq872 0 595.4 841.8 re81 0 0 1 dcanalt 1 penal-2(t1 re

- 7.4.4 Where the student does not agree that the alleged breach took place or with the subsequent penalty, or where an investigation is required, or where a more substantial penalty is being considered, the student will be required to meet formally with the DLA.
- 7.4.5 Investigations, if required, will be conducted by a designated investigator following University guidelines. In the case of an investigation in a College, this could be undertaken by an Assistant Dean.
- 7.4.6 The Investigator will be neutral in their approach and have no previous knowledge of the case and no material connection with the student(s) involved in the incident. Where the alleged breach relates to another party, multiple meetings may need to be held, in order that each party has appropriate opportunity to respond to evidence provided by the other party. Investigators will be sensitive to the nature of the alleged breach, including in their approach to questioning, and will ensure the two parties meet separately with the Investigator. Investigations will normally be undertaken within ten working days of the report of the breach, although this may take longer where a case is complex or where a case requires the Investigator to interview witnesses and/or other parties. Where an investigation is likely to exceed ten working days, this will be communicated by the Investigator to all relevant parties at the earliest opportunity, and the Investigator will regularly provide updates on any delays (including the reason(s) and the impact on likely timescales) during the course of the investigation.
- 7.4.7 Following completion of the investigation (where required), the DLA,

Reported Party in writing of the date and time of the DLA meeting. Students will be given at least 48

The written summons will include details of the alleged breach,

- refer the student to other bodies, such as the Accommodation Office, where the breach involves elements of a separate agreement;
- specify boundaries, e.g. relating to future behaviours or restrictions on contact with a named person or persons, to reduce the

- 7.4.14 Should an initial case be accepted, the Chair of the Board of Discipline will consider the request for a review and may take the following actions:
  - uphold the original decision and confirm the terms of the outcome; or
  - uphold the original decision but reduce or restrict the terms of the outcomes; or
  - overturn the original decision and remove the terms of the outcome.
- 7.4.15 The Reported Party and the DLA will be notified of the outcome in writing within ten working days of receipt of the request for a review. It is not normal practice for the Board of Discipline to meet with the student for these cases and normally reviews will be considered by the Chair on the basis of submitted paperwork.
- 7.4.16 A record of the outcome will be held by the Student Conduct Manager and will be checked in the event of further breaches. Where a breach of the Student Discipline Regulations is found, it will also be recorded on the System.

#### 7.5 University-level Discipline

- 7.5.1 Upon receipt of a report of an alleged breach of these Regulations, the Student Conduct Manager will undertake a preliminary assessment to determine whether the alleged conduct may constitute a major breach and warrant consideration at University level. As outlined in 5.4 above, where the alleged breach is considered to be major, the Student Conduct Manager may then complete a risk assessment, in consultation with relevant colleagues and external agencies, in order to identify and mitigate any immediate risks.
- 7.5.2 For alleged breaches that are deemed major, the Student Conduct Office will initiate a formal investigation and appoint an Investigator. In addition, the Student Conduct Manager will write to the Reported Party, normally within five working days of receipt of the report of the breach, setting out the allegations against them, how their behaviour is considered to have breached expected standards and, where relevant, setting out any associated penalty. Any supporting evidence available will be provided. The letter will also set out the consequences of agreeing to a penalty at this stage.
- 7.5.3 Where the breach is uncontested, i.e. the Reported Party readily admits it to a University staff member, a record will be agreed by both parties and reported to the Board of Discipline. Admission of the breach will be taken into account when determining the penalty to apply. Exercising discretion, the Chair of the Board, normally represented by the Clerk to the Board, will supply the Reported Party with written confirmation of the breach and any associated penalty, normally within five working days.

Should the Reported Party disagree with the penalty they must inform the Clerk to the Board within five working days of receipt of written confirmation. The Chair of the Board reserves the right to require an investigation even where a breach is uncontested.

- 7.5.4 The Reported Party will be formally requested to meet with the Board of Discipline where:
  - the Reported Party does not agree with the alleged breach or the subsequent penalty;
  - the Chair of the Board deems that an investigation is required;
  - the matter has

held in order that each party has appropriate opportunity to respond to any evidence provided. Investigators will be sensitive to the nature of the alleged breach, including in their approach to questioning, and will ensure the two parties meet separately with the Investigator.

Investigations will normally be completed within 20 working days of receipt by the Student Conduct Manager of a report of the breach, although this may take longer where a case is complex. Where an investigation is likely to exceed 20 working days, this will be communicated in

attend, in person or by video link, does not prevent the Board from considering the case; the Board can, at its discretion, consider a matter and make a determination without the student being present, based on the A decision by a student not to attend shall not be regarded by itself as valid grounds for subsequent request for a review of a decision of the Board.

7.5.10 Where a joint or group allegation is being considered by the Board, the Deputy Chief Executive (Operations) or nominee will determine, in the interest of fairness for all involved, whether to hold a single Board meeting with all Reported Parties in attendance, or separate Board sessions for each individual. Where it is determined that all Reported Parties will be in attendance at once, each Reported Party will

- 7.5.13 All materials relating to the Board of Discipline meeting will be distributed to all attending normally no later than four working days before the meeting.
- 7.5.14 In the Board of Discipline meeting the Investigator will present the report of their investigation. The Investigator will not be expected or invited to share their view on the guilt or innocence of the Reported Party: their role remains that of neutral gatherer and presenter of information to allow the Board to consider the statements and any evidence gathered. The student will be allowed to respond to the allegation(s) against them, and to provide any information by way of mitigation. Mitigation is not normally relevant to determining whether or not the Regulations have been breached, but will normally be taken into account when deciding on a penalty (see 7.5.15).

Where the alleged breach relates to another party, the Board may meet separately with the Reporting Party to ask questions or darify points. In such cases, the Board will be sensitive to the nature of the incident and will seek to minimise distress to the Reporting Party. Further details of the operation of the meeting are

- a requirement to submit a written apology to those affected by the breach;
- a requirement to undertake relevant training and/or development (with the student paying the associated fee/charge);
- exclusion, either permanently<sup>5</sup> or for a period of time, from the University;
- any other penalty deemed appropriate and commensurate with the breach.

A timescale for compliance with penalties will normally be specified.

7.5.18 The Reported Party may request a review of the outcome by submitting a written request for a

# 7.5.22 The Panel will take one of the following actions:

- uphold the original decision and confirm the terms of the outcome;
- uphold the original decision but replace the outcome(s) with one(s) no more severe than those imposed by the Board;

- 9. Interactions with other regulations, policies and documents
- 9.1 These Regulations detail the approach to student non-academic discipline at the University. Along with academic discipline, as detailed in the Manual for Academic Regulations and Procedures, the University also has other related regulations, policies and documents that are applicable to students and that specify requirements

  These include:
  - · Admissions Policy;
  - Dignity in Student Life Policy;
  - Code of Conduct on Protests;
  - Code of Practice on Freedom of Speech;
  - College Rules;
  - Complaints procedures;
  - Computer User Agreement;
  - Data Protection Regulations;
  - Equality, Diversity and Indusion Plan;
  - Financial Regulations;
  - Fitness to Practise;
  - Fitness to Study;
  - Health and Safety Regulations;
  - insurance arrangements;
  - Intellectual Property Policy;
  - Laboratory Rules;
  - Library Rules;
  - Misconduct in Examinations Policy;
  - Quiet during the University Examinations period statement;
  - Safeguarding Policy;
  - Sexual Misconduct Policy:
  - Smoke-free workplace and Public Place Policy;
  - University accommodation tenancy agreement;
  - Vehicle Regulations:
  - UKVI Regulations.

Breaches of any of these policies could lead to consideration of a disciplinary breach under the Student Discipline Regulations.

9.2 Where an action or omission by a student could potentially be considered under more than one process, the Director of Students, Education and Academic Services (or nominee) will determine how best to proceed in the best interests of the student, of expediency and of procedural fairness. Procedures may be combined, run in parallel or run in series.

## Appendix 1: Areas holding Delegated Local Authority

The following table specifies delegations in relation to the operation of the listed policies. The areas listed do not necessarily have the delegated authority to change these policies nor to approve new documents in these areas.

Delegated Local Authority area Regulation/Policy/Rule

Colleges College Rules

Quiet during the University Examinations period

statement

Strategic Planning & Governance Code of Conduct on Protests

Code of Practice on Freedom of Speech

Data Protection Regulations

ISS Computer User Agreement

Finance Finance requirements

Insurance arrangements

Designated academic departments Fitness to Practise

Student and Education Services Student Sexual Misconduct policy

Dignity in Student Life Policy

Equality, Diversity and Indusion

Misconduct in Examinations Policy

Visa requirements

Fitness to Study Procedure

RES Intellectual Property Policy

Faculties Health and Safety Regulations

Laboratory rules

Library Rules

Facilities Smoke-free workplace and Public Place policy

Sports Centre related arrangements

University accommodation licence agreement

Vehicle regulations