

3.

3.1 In the process of maintaining non-academic discipline the University will abide by the following principles.

3.2 The University will take a sensitive approach and will ensure reasonable effort to maintain confidentiality.

3.3 As appropriate, in recognition of the University's duty of care and in consultation with Student Based Services, the University will support the alleged victim and the alleged perpetrator, as well as third parties where they are members of the University, such as those reporting possible breaches of these regulations.

3.4 The University encourages third party reporting particularly where there is the potential of harm to others. Where a third party reports, and provides contact information, they will be told when the case has been investigated and whether any action was taken. They will not, however, be given the details of these actions.

3.5 The University will not tolerate frivolous or malicious reporting. Students or staff suspected of doing this will be subject to investigation of a breach under these regulations or the relevant staff policy.

3.6 Reasonable effort will be made to communicate these regulations and all students are expected to be familiar with them. For the avoidance of doubt, ignorance of these regulations will not be deemed an acceptable excuse.

3.7 Depending on the individual's circumstances, actions and sanctions taken under these regulations can affect an international student's immigration status. Any detrimental effect upon a student's immigration status will be considered.

4.

4.1 The expectation of the University is that all students conduct themselves appropriately and in accordance with all relevant regulations and policies. However, where a student does not, the University may consider this as a breach of the Student Discipline Regulations.

4.2 Acts or omissions that may be considered as breaches under these regulations include:

4.2.1 unacceptable behaviour towards students, staff or members of the public, including verbal or written abuse in any media; bullying of any kind, harassment as defined under the Equalities Act or sexual misconduct (see the Bullying, Harassment and Sexual Misconduct Policy);

4.2.2 failure to respect the rights of others to freedom of speech (see Code of Practice on Freedom of Speech);

4.2.3 misuse or unauthorised use of University property, facilities or name;

4.2.4 disruption, interference or obstruction of the academic, administrative, sporting, social, cultural or other activities of the University;

4.2.5 anti-social behaviour, including noise disruption (see, in particular, requirements in relation to the Exam Period);

4.2.6 failure to disclose name and other relevant details to an officer or employee of the University in circumstance where to do so would11.002 (s (o)-5 (r)987 Tn)-4.00,n(m)-4.00l(o)-5 (r (p)

this taken into account in any disciplinary procedure. Examples of such positions are included within the student guidance notes.

4.5 Where matters involve or may involve criminal or similar proceedings the Chief

conducted for any alleged breaches, but the normal expectation would be that risk assessment would be limited to situations where:

- there is a risk of harm to self or others;
- there are safeguarding issues involved;
- there is a serious risk to the reputation or other aspect of the University;
- the incident involves the police or other authorities.

- 5.2 Risk assessments should be carried out in a timeframe appropriate to the perceived risk, with serious cases being dealt with as a matter of urgency. Where there is actual imminent threat action to remove this should be taken immediately.
- 5.3 The Director of Students, Education and Academic Services (or nominee) (or person with delegated authority) will determine if a risk assessment is required. The Director (or nominee) will produce a risk assessment including all relevant details, with support from the Strategic Planning and Governance Division and input from Student Based Services. This will be considered by a panel consisting of the Chief Administrative Officer and Secretary (or

5.8 The Director of Strategic Planning and Governance (or nominee) will make a prima facie decision on the appeal. The grounds for appeal will be:

there is evidence that could not reasonably have been made previously available; or
there is evidence of a material procedural irregularity; or
there is evidence to demonstrate that the decision did not meet the rules of natural justice.

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

5.9 Should the appeal proceed, the Deputy Vice-Chancellor (or nominee), supported by the Strategic Planning and Governance Division, will consider the appeal and may take the following actions:

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

5.10 In cases where additional material provided by the student suggests that the level of risk is higher than previously assessed, the Deputy Vice-Chancellor (or nominee) may increase the terms of the outcome.

5.11 The student will be notified within ten working days of receipt of the appeal. It would not be normal practice for the Deputy Vice-Chancellor (or nominee) to meet with the student and appeals will be considered on the basis of submitted paperwork.

5.12 The student may ask for the terms of the outcomes to be reviewed while they are in place where there are clear changes in circumstance. Such a request should be made to the Deputy Vice-Chancellor (or nominee) with reasons and relevant details provided. The Deputy Vice-Chancellor (or nominee) will respond within ten days of the receipt of the request.

6.

6.1 The University operates disciplinary procedures at three levels under these regulations all under delegated authority of Senate. These are:

1. fixed penalty procedures;
2. Summary jurisdiction of discipline;
3. University jurisdiction of discipline.

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

6.3.7 The DLA will formally meet with the student, detail the case and invite the student to comment. They will then discuss the case. The designated investigator and a note taker may be present, but others would not normally attend. Where the DLA

6.3.12 Should the appeal proceed, the Board of Discipline will consider the appeal and may take the following actions:

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

6.3.13 The student and the DLA will be notified of the outcome in writing within ten working days of receipt of the appeal. It is not normal practice for the Board of Discipline to meet with the student for these cases and appeals will be considered on the basis of submitted paperwork.

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

6.4.1 Where a potential breach of discipline is deemed severe within the scope of these regulations, it will be considered by the Board of Discipline. A potential breach will be deemed severe where either: (1) it is deemed so by the Chief Administrative Officer and Secretary (or nominee); or (2) a student is referred to the Board of Discipline by a DLA (for serious and/or multiple offences). In these events the following procedure will occur.

6.4.2 Where the breach is uncontested, i.e. the student readily admits it to a University officer or staff member, a record will be agreed by both parties and reported to the Board of Discipline. Exercising discretion, the Chair of the Board, normally represented by the Clerk to the Board, supply the student with written confirmation of the breach and any associated penalty normally within five working days. Should

- 6.5.1 Reports of possible breaches of these regulations may be reported by other students, staff or external sources such as visitors, members of the public or people in position of authority (for example the police).
- 6.5.2 The University reserves the right not to pursue a reported breach in the light of insufficient evidence.
- 6.5.3 The University expects disciplinary matters to be considered promptly and would expect procedures to begin within thirty days of an alleged incident. However, the University retains the right to consider cases under these regulations at a later time, particularly where they are of a serious nature.
- 6.5.4 These proceedings are internal University processes that, while subject to law, are not legal proceedings per se. They are designed to establish fact and are inquisitorial rather than adversarial in nature. Information is determined through investigation and questioning, not cross-examination. Those involved will be provided with guidance and, as appropriate, training.
- 6.5.5 Guidance on the specific operational arrangements for each type of hearing will be made available to all those involved.
- 6.5.6 Fine tariffs will be common across the University and published on an annual basis.
- 6.5.7 The standard of proof used within these regulations is the balance of probability and not the criminal requirement of proof beyond reasonable doubt.
- 6.5.8 Students may be accompanied to a meeting. For a university-level hearing, the University will encourage the student to consider the support services provided by the Students' Union. It is the normal expectation that students will speak for themselves, and that those who accompany them will be there for support. However, where a student wants to be represented, including legal representation, this is acceptable. Any representation must be made known in good time prior to the meeting. The person chairing the meeting reserves the right to refuse to allow the accompanying person where there is a clear conflict of interest (for example where the person accompanying is also subject to these regulations for the same or a related breach).
- 6.5.9 The University does not encourage the use of family members as either companion or representative as experience has demonstrated that this can detrimentally affect the dynamics of the meeting.
- 6.5.10 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 specified number of witnesses (normally no more than two) may be allowed to appear in person.
- 6.5.11 Admissibility of evidence will be determined by the officer considering the case at each level, seeking the advice of the Strategic Planning and Governance Division as required.

- 6.5.12 The University will make reasonable adjustment to these procedures to meet student needs, particularly those associated with protected characteristics under the Equality Act and for cases which involve issues of bullying, harassment and sexual misconduct.
- 6.5.13 Where a possible breach involves multiple students, the DLA and/or investigator considering the case may determine if the students will be considered individually or collectively.
- 6.5.14 The University reserves the right to hold formally constituted groups (for example LUSU recognised clubs and societies) collectively responsible for the group's actions or omissions under these regulations.
- 6.5.15 Procedures under these regulations may affect a student's ability to graduate. In such cases the student will be notified of this potential outcome.
- 6.5.16 Failure, without good cause, to appear on the due date and time when summoned to a hearing will attract an automatic fine (see 6.2.1 above).
- 6.5.17 Failure by a student to attend a scheduled meeting will not stop the meeting proceeding. Student cases can be considered

7.

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

7.2 The following University officers have specified responsibilities:

The Chief Administrative Officer & Secretary has overall responsibility for these regulations.

7.2.1 Board of Discipline

The Board of Discipline is appointed by the Senate subject to standard committee requirements. The Board has delegated authority for taking any discipline action required within the University. This authority is further delegated to Delegated Local Authorities (see below) for those specific cases heard through summary jurisdiction.

7.2.2 Delegated Local Authority (including College Deans)

A delegated local authority (DLA) is a person holding delegated authority from the Senate to determine disciplinary cases via summary jurisdiction. DLAs have limited powers (see 6.3.9 above) but can refer students to other process if a more serious finding, up to and including permanent exclusion, is being sought.

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

7.2.3 Assistant Deans

Each College will have Assistant Deans

Investigator will maintain an impartial view of the case and will make no judgement on its outcome.

7.2.5 *Strategic Planning and Governance Division*

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

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

8.

8.1 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 under particular areas of the University's activity. These include:

Bullying, Harassment and Sexual Misconduct Policy;

Code of Conduct on Protests;

Code of Practice on Freedom of Speech;

College Rules;

complaints procedures;

Computer User Agreement;

Data Protection Regulations;

Equality, Diversity and Inclusion Plan;

finance requirements;

Fitness to Practise;

Fitness to Study;

Health and Safety Regulations;

insurance arrangements;

Intellectual Property Policy;

laboratory rules;

Library Rules;

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9.

- 9.1 The Chief Administrative Officer and Secretary, supported by the Directors of Strategic Planning and Governance and Students Education and Academic Services, will be responsible for the oversight and management of these regulations.
- 9.2 A report of the operation of these regulations, as well as any minor modifications to them and approval of fine levels will be taken to the body holding the relevant delegated authority from Senate for consideration and approval on an annual basis. Major modifications will require the approval of Senate.
- 9.3 Data relating to these regulations, including outcomes of student discipline processes will be held centrally and will be subject to the constraints of the Data Protection Act.
- 9.4 Details of disciplinary offences may (s)10.99te1.54 Td(D)-4.004 (et)-2.998 (ail)4.004 (s)10.996 (o)-7.0e