

**UNIVERSITY OF BATH  
REGULATIONS FOR STUDENT APPRENTICES 2021/22**

*An apprentice is a 'Student' as described in the University's Statutes and is a member of the University. This Regulation Booklet sets out the Regulations for Students 2021/22, the Student Complaints Procedure and Fitness to Study Policy as they apply to an apprentice.*

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All registered students of the University are subject to rules and regulations, which may be changed from time to time. This Regulations Booklet is published annually. These Regulations are also published on the University's Website. Any amendments to these Regulations approved by Senate during the academic year will take effect on the date specified by Senate. The web page will be revised to identify any such amendments. References to a named post-holder should be construed as references to that post-holder or to a nominated substitute.

Secretary to Senate

1 August 2021

*\* These Regulations also apply to all members of the University, as defined by Statute 2.1.*

## 1. REGISTRATION

- 1.1 All students, both undergraduate and graduate, are required to register at the beginning of each academic year. The days on which students shall register will be announced by the University. In exceptional circumstances a student may be permitted at the discretion of the Director of Academic Registry to register on a day other than an appointed day and in such cases an additional fee may be charged to the student. Only those who have registered shall have the rights and privileges of students and members of the University.

All persons entering the University as students shall, at the time of registration, sign a declaration in the following terms:

*'I agree to conform to all the statutes, ordinances, regulations and rules of the University for the time being in force and I accept responsibility for any loss or damage to University property rightly attributable to me.'*

- 1.2 At the time of registration students shall provide full and accurate information concerning all required personal and academic details and shall state their address during the academic year as well as their permanent address, in accordance with procedures prescribed by the Director of Academic Registry. Students must comply with all subsequent requests from University staff for proof of any changes to required personal details and are required to update their contact details, normally via the Registration On Line system, as soon as possible when any of these details change. Students failing to do this or who can be shown to have provided false or misleading information as part of an application or subsequent registration will be subject to action.
- 1.3 Students, including those away from the University on placement, are required to access at regular intervals the email account provided to them by the University, and to ensure that it remains within its permitted capacity and able to receive mail. Students failing to do this may be subject to action under the Disciplinary Regulations for Student *Apprentices* (Regulations 7 and 8). The account will be used by the University to communicate important information about registration, unit-enrolment, assessment, degree ceremonies and other matters. Students who have failed to access their account or who have temporarily lost access to it because of failure to maintain registration, or because they have allowed the account to exceed its capacity may not cite loss of access as a reason for failing to respond appropriately to information sent to them by the University via the account.
- 1.4 Where programmes require students to provide a satisfactory check and/or Disclosure from the Disclosure and Barring Service and such checks/Disclosures are pending at Registration, students may be permitted to register provided the application process for the relevant checks/Disclosure has been completed; should the check/Disclosure subsequently returned prove to be unsatisfactory, the University will terminate the registration and require the student to withdraw.
- 1.5 Any person who fails to complete their initial student registration in accordance with Regulation 1.1 will be deemed to have declined their offer of a place to study at the University. The University reserves the right to terminate the registration of continuing students who do not complete registration in accordance with Regulation 1.1.

*Amendments to these Regulations are approved by Senate. Any such amendments are identified above and will take effect from the date shown.*

*Date Published: 1 August 2021*

## 2. FEES

### General

- 2.1 The responsibility for payment of fees rests with *the student apprentice's employer*. For further information on the payment of fees please refer to <https://www.bath.ac.uk/corporate-information/terms-and-conditions-for-tuition-fee-payment/>

### Tuition Fees (*Fees for apprenticeship training and assessment*)

- 2.2 *[Removed and replaced with the following]*  
All tuition fees are payable *by the employer, according to the payment schedule agreed between the University and the employer and any such requirements as stated in the Education and Skills Funding Agency's Funding Rules.*
- 2.3 *[This regulation does not apply to apprentices]*
- 2.4 *[Removed and replaced with the following]*  
If a student *apprentice's employer* does not pay the *appropriate fee* by such time as agreed either under instalment or other special University arrangements, then after due warning and unless the *Director of Finance* determines otherwise, *a student apprentice's* registration will lapse and he or she will be required to withdraw from the University.

### Residence Fees

- 2.5 *[This regulation does not apply to apprentices]*

### Examination Fees

- 2.6-2.8 *[This regulation does not apply to apprentices]*

### Other Fees and Charges

- 2.9 Other fees and charges for services, such as, but not limited to, library fines are payable in full when they are due. Non-payment of other fees and charges will be subject to a review and follow up process to recover the outstanding debt.

### Academic Consequences of Non-Payment of Tuition Fees

- 2.10 If any *organisation* is in default in regard to payment of tuition fees to the University:
- (a) no Degree, Diploma, Certificate or other academic award shall be granted unless the Senate considers that there are exceptional circumstances which justify such grant, and
  - (b) the Senate may recommend to the Council that that person be deprived of any Degrees, distinctions or titles, Diplomas or Certificates conferred on or granted to that person by the University, and that all privileges connected therewith be withdrawn, and
  - (c) registration for the next academic year will normally only be permitted when all tuition fees incurred in previous years of study have been paid.

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*Date of Last Update: 7 October 2020*

### 3. ATTENDANCE AND PROGRESS

- 3.1 Students shall attend regularly. If a student's attendance is not satisfactory, or a student is unable to attend for legal reasons, the Director of Academic Registry, authorised to act under power delegated by Senate, and following consultation with the ***student apprentice's employer and*** Faculty or School, may determine that the student be precluded from continuing their studies and, where applicable, their registration be terminated. A student who is prevented for legal reasons from attending will, in the first instance, normally be suspended for a period agreed ***with their employer and the University***. Where registration is terminated, a person who ceases in this way to be a student of the University may make representations to the Vice-Chancellor, who may exercise Statutory power to re-admit the student.
- 3.2 If a student's progress in the programme of study is not satisfactory, the Director of Academic Registry, authorised to act under power delegated by Senate, and following consultation with ***the student apprentice's employer and*** Faculty or School, may determine that the student be precluded from continuing their studies, and, where applicable, their registration be terminated. A person who ceases in this way to be a student of the University may make representations to the Vice-Chancellor, who may exercise Statutory power to re-admit the student.
- 3.3 No student shall be treated as having completed a particular programme of study unless the student shall have complied with such conditions as the Senate may from time to time prescribe with relation thereto.
- 3.4 Absence due to ill health shall within three days be notified by students to ***their employer as specified in the employer's absence processes***. ***The employer will notify*** the Head of Department and advise if the absence extends or is likely to extend beyond the period of three days. Apart from illness, students will be granted leave of absence only with the prior permission ***of the employer, and in consultation with*** the Head of their Department or the person to whom the Head of Department delegates responsibility in this matter.
- 3.5 ***[This regulation does not apply to apprentices]***
- 3.6 If any students are required by:
- (a) their Head of Department or Group, or
  - (b) the Director of Studies for their programme of study, or
  - (c) the personal tutor to whom they have been assigned, or
  - (d) any Officer of the University, or
  - (e) the Director of Academic Registry or other Senior Administrative Officer, or
  - (f) the Dean of their Faculty or the Head of the School
  - (g) the Director of Student Services or other Professional Services Manager
- to see such person, the students shall attend at such place and time as shall be specified.

## **Academic Integrity: Mandatory Skills Training and Test**

**3.7** (a) All students registering for the first time for a taught or research programme leading to an award of the University of Bath are required to undertake an academic writing skills training session and satisfactorily complete a test of understanding within a defined initial period. The skills training session and test will be those as defined in the Quality Assurance Code of Practice.

(b) The defined initial period starts with first registration upon entry and ends at the first progression point encountered thereafter, with the following exception:

For the period 1st October 2011 to 31st July 2012, all\* students in the University at any stage of a programme of study will be required to undertake the training session and satisfactorily complete the test.

(c) Students who fail to complete the test satisfactorily by their next progression point will not be permitted to progress to the next stage of their programme of study or, in the case of students in their final year or on a one year or shorter programme, to receive their award.

\*Those students on a postgraduate taught programme with a scheduled completion date on or before 31st December 2011 and postgraduate research students who submit their thesis/portfolio for examination on or before 31st December 2011 are exempt from the requirement to complete the test satisfactorily.

## **Force Majeure**

3.8 The University will do all that it reasonably can to provide educational services as described on its website or in the prospectus or in other contractual documents issued by it to appropriately enrolled students. Sometimes circumstances beyond its control mean that at times it may not be able to provide such educational services. This might be because of, for example but not limited to, industrial action by University staff or third parties, acts of terrorism, the acts of any governmental or local authority, technical or power failure and/or bad weather conditions. In any of these circumstances, the University will take reasonable steps to minimise the resultant disruption to those services and to affected students, by for example, delivering a modified version of the same course or offering affected students the chance to move to another course or institution, but to the full extent that is possible under the law the University and students/applicants exclude liability to each other for any resultant loss and/or damage suffered. This does not affect any statutory rights of students/applicants that cannot be varied. The modifications that the University make may be to the content and syllabus of programmes, including in relation to placements, the timetable, location and number of classes, the content or method of delivery of programmes of study and/or the assessment and examination process. In making any changes, it will aim to keep the changes to the minimum necessary and will notify and consult where appropriate with students in advance about any changes that are required. If students are not satisfied with the changes, they may have the opportunity to withdraw from the course, move to another course and, if required, reasonable support to transfer to another provider.

*Amendments to these Regulations are approved by Senate. Any such amendments are identified above and will take effect from the date shown.*

*Date of Last Update: 7 October 2020*

#### **4. CONFERMENT OF QUALIFICATIONS**

- 4.1** No person shall be entitled to describe themselves as holding any Degree or other qualification conferred or granted by the University unless the award of such qualification has been approved by Senate.
- 4.2** Students are required to respond within the specified deadline to invitations to attend the Congregations which are held for the presentation of certificates for Degrees or other qualifications of the University.
- 4.3** Congregations shall be held at such times and places and in such manner as the Senate may from time to time prescribe.
- 4.4** Senate may at its discretion appoint for periods of three years a Marshal and a Deputy Marshal of the University, who shall be eligible for re-appointment.
- 4.6** The Deputy Marshal shall, in the absence of the Marshal, carry out the Marshal's functions and shall otherwise carry out such duties as the Marshal shall direct.

*Amendments to these Regulations are approved by Senate. Any such amendments are identified above and will take effect from the date shown.*

*Date of Last Update: 25 September 2020*

## **5. STUDENT HEALTH**

- 5.1** Each student of the University should register with the University Medical Centre or with a local medical Practice before the expiration of a period of 14 days from the beginning of the student's academic course.
- 5.2** Any students suffering or believing themselves to be suffering from an infectious illness or in whose home or lodgings there is or has been such illness shall immediately notify their medical practitioner and they may be required to absent themselves from the University if there is any danger of infection being conveyed to other persons.

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*Date Published: 1 August 2021*

## **6. ACCOMMODATION**

- 6.1** The Rules which are applicable to students who are allocated a place in University residence (which includes all types of accommodation administered by the University) are issued on the authority of the Director of ahs: <https://www.bath.ac.uk/corporate-information/student-accommodation-terms-and-conditions-2021-to-2022/> with the Student Living Code of Conduct at <https://www.bath.ac.uk/corporate-information/student-living-code-of-conduct-2021-to-2022/>
- 6.2** Breaches of the Rules relating to University residence constitute misconduct under the provisions of Regulation 7.5(c).

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*Date Published: 1 August 2021*

## 7. DISCIPLINARY REGULATIONS FOR STUDENT APPRENTICES

The Regulations in force at the time of the misconduct will apply.

### Principles

- 7.1 The University of Bath's Disciplinary Regulations are intended to support our duty of care and responsibility to our University community by:
- Setting clear expectations for how members of the University community should take care and responsibility for each other;
  - Upholding appropriate standards of behaviour;
  - Upholding the integrity of the University's academic context.

### Authority

#### 7.2

Article 24 of the Charter of the University and Section 19.31 of the Statutes (see the University's Charter and Statutes at: <https://www.bath.ac.uk/publications/charter-of-the-university-of-bath/>) confer on the Senate the power to make Regulations to regulate, amongst other things, the education and discipline of the students of the University. The Students' Union has its own constitution, whose provisions are subject to approval by the University Council and apply to all members of the Students' Union.

### Scope

- 7.3 Disciplinary procedures will be used where a student has allegedly committed an act of misconduct on or off university premises (including online) where the injured party is:
- the university itself,
  - a student or employee of the university
  - any other person either within the campus or other precincts of the University or in the course of a University activity.
  - *Misconduct by a student during the course of their normal, day-to-day work may also be subject to their employer's own definition of, and disciplinary procedures for misconduct. Such information may be shared between the employer and the University.*

### Misconduct

- 7.4. Misconduct is broadly defined as behaviour where the University community has been, or could be impacted as a result, where a member of the community has not taken appropriate care or responsibility for how their behaviour has affected others. Our definition of misconduct is not equivalent to the legal definition of misconduct in criminal law.

#### 7.5 Particular Definition of Misconduct

In particular and by way of illustration but not limitation, the following shall (subject to the above) constitute misconduct:

- a) Health and Safety Misconduct:  
Action likely to cause injury or impair health or safety including:  
(i) Smoking in areas not designated for this purpose including the Underdeck, the Library Balcony or on the Parade.

- (ii) parking motor vehicles or bicycles in any place not specifically authorised for that purpose
- (iii) the driving of motor vehicles on campus in a dangerous, reckless or careless manner
- (iv) the use of any mode of personal transport or conveyance in pedestrian areas other than where duly authorised because of disability
- (v) possession of any drug or drugs, possession of which, unless prescribed for the student by a registered medical practitioner, would render the student liable to prosecution. The first instance of drug possession will be processed as Health and Safety misconduct, subsequent breaches will be processed as misconduct that may also be a criminal offence.
- (vi) improper interference with the services or plant of the University or the fabric of any part of the University estate or with fire alarm systems or fire fighting and safety equipment
- (vii) walking on, or entering, any restricted area (including roofs) without obtaining official permission from the Director of Estates
- (viii) dropping or throwing an object from a high-rise building
- (ix) diving, swimming, paddling, boating or using the University lake in any other way without the permission of Security Services.
- (x) failure to disclose name and other relevant details, or to provide your library card to an officer or employee of the University in circumstances when it is reasonable to require that such information be given

b) Operational Obstruction:

- (i) disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University
- (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) using or allowing others to use a University Library / Identity Card for purposes other than identification or access by the person named on the card, or misusing the card in any other way.

c) Regulatory breaches

- (i) breach of the provisions of the University's Codes of Practice on Freedom of Expression, Health and Safety, Residential Rules, the IT Acceptable Use Policy and any other Code or University rule or regulation which provides for breaches to constitute misconduct under these Regulations
- (ii) failure to comply with a previously-imposed penalty under these Regulations
- (iii) taking or sharing audio, video or photographic recordings of teaching activities without the lecturer's express consent

d) Damage to property

- (i) damage, misuse, unauthorised use or taking of items of property, including technology misuse

e) Academic Misconduct

- (i) the use of unfair means in any examination or assessment procedure, including
  - cheating, for example unauthorised reference to notes or course material in an examination

- fabrication, e.g. reporting on experiments never performed
- falsification, e.g. misrepresentation of the results of experimentation
- plagiarism, i.e. taking the writings or ideas of another and representing them as one's own (see Regulations 15.3(e) and 16.1(k))
- duplication of one's own work, i.e. submitting as if for the first time and without acknowledgement, content which has previously been assessed

f) Reputational Damage

- (i) behaviour that brings the University into disrepute (excluding legitimate complaints against the university, formal representations by the SU or whistleblowing)

g) Criminal offences

- (i) fraud, deceit, deception or dishonesty
- (ii) supply of any drug or drugs, possession of which, unless prescribed for the student by a registered medical practitioner, would render the student liable to prosecution (the first instance of drug possession will be processed as Health and Safety misconduct, subsequent breaches will be processed as misconduct that may also be a criminal offence)
- (iii) offences of dishonesty where the Student holds an office of responsibility in the University
- (iv) unless duly authorised possession or use of firearms, imitation firearms, fireworks, explosives or any highly combustible materials or any article which is made, adapted or intended to be used as an offensive weapon.
- (v) possession of a knife
- (vii) any other behaviour which could constitute a criminal offence

(h) Offensive or abusive behaviour

- (i) violent, indecent, disorderly, threatening or offensive behaviour or language
- (ii) taking or sharing audio, video or photographic recordings of others without their express consent
- (iii) unless duly authorised, using or causing to be used any means of sound reproduction or amplifying device so as to cause offence or inconvenience to others.
- (iv) organising or leading coercive initiation-type behaviours

(i) Breach of Dignity and Respect policy (which has not or cannot be resolved by informal means)

- (i) bullying, harassment, victimisation, stalking, coercive control or any other behaviour proscribed under the Dignity and Respect policy
- (iii) making malicious accusations against other students or staff

(j) Sexual misconduct:

Any non-consensual sexual activities, including but not limited to:

- (i) Sexual comments
- (ii) Touching
- (iii) Kissing
- (iv) Recording or sharing intimate images
- (v) Showing sexual organs
- (vi) Sexual acts
- (vii) Attempted sexual intercourse

(Viii) Sexual intercourse

The definition of consent is: “Freely agreeing to sexual activity and having the freedom and capacity to make that choice.” Consent can be withdrawn at any time.

(k) Discrimination and hate motivated misconduct:

- (i) Discriminatory behaviour including racist, sexist, homophobic, xenophobic, ableist, ageist, transphobic or religiously-based hate language or actions
- (ii) Abusive behaviour including racist, sexist, homophobic, xenophobic, ableist, ageist, transphobic or religiously-based hate language or actions

## **7.6 Categorisation of misconduct**

The University will categorise the severity of misconduct according to that misconduct meeting one or more of the criteria in the categories listed below.

### Category A

No or minimal harm or disruption caused, or a limited impact on the proper functioning or activities of the University, or an accidental or inadvertent breach.

### Category B

Moderate harm or disruption caused, or a moderate impact (or risk thereof) on the proper functioning or activities of the University.

### Category C

Significant harm or disruption caused, or a severe impact (or risk thereof) on the proper functioning or activities of the University, or sustained or repeated misconduct.

*Amendments to these Regulations are approved by Senate. Any such amendments are identified above and will take effect from the date shown.*

*Date of Last Update: 1 August 2020*

## 8. DISCIPLINARY PROCEDURES FOR STUDENT APPRENTICES

The Regulations in force at the time of the misconduct will apply.

### INTRODUCTION

- 8.1 Throughout these Disciplinary Procedures for Students the person raising an allegation is referred to as the 'Reporting Party', and the person against whom the allegation is made is referred to as the 'Respondent'.
- 8.2 Students are encouraged to seek guidance and support in relation to these Disciplinary Procedures from Student Services and/or the Students' Union.
- 8.3 Where necessary for fair investigation and consideration of a disciplinary case, the University may share information internally and with the Students' Union. *The University may, at its discretion, share details of any alleged offence and subsequent penalty with the student apprentice's employer.*
- 8.4 Disciplinary procedures will be used where a student has allegedly committed an act of misconduct on or off university premises (including online) where the injured party is:
- the university itself,
  - a student or employee of the university
  - any other person either within the campus or precincts of the University or in the course of a University activity

### **Delegation of responsibilities**

- 8.5 Any of the functions of the Vice-Chancellor under Regulations 8 may be delegated to a Deputy Vice-Chancellor, Pro-Vice-Chancellor or a Chair of the Student Disciplinary and Misconduct Committee.
- 8.6 Any of the functions of the Director of Student Services under these Regulations may be delegated to a nominated delegated authority (normally the Student Discipline Manager).

### **Principles**

- 8.7 The purpose of this procedure is to protect members of the University community by upholding appropriate standards of behaviour, as outlined in Regulation 7.
- 8.8 The University will seek to protect the privacy and confidentiality of individuals involved in this procedure, where this does not compromise its ability to properly investigate an allegation or to safeguard members of the University community.
- 8.9 Respondents will normally be expected to represent themselves at all stages of the Disciplinary Procedure.
- 8.10 Respondents and Reporting Parties will be entitled to be accompanied by an adviser, family member or friend. At all stages of this procedure, if it is not possible to attend in person, the University will make reasonable efforts to allow the Respondent, Reporting Party and/or witnesses to participate in investigatory meetings and committee hearings by other means.
- 8.11 Those determining issues under these Regulations should be satisfied on the balance of probabilities of the evidence before them rather than 'beyond reasonable doubt'.

- 8.12 If the Reporting Party or Respondent are students of the University of Bath and wish to raise a concern about the service they received at any stage of the Disciplinary Procedure they may use the Student Complaints policy.

### OVERVIEW OF PROCEDURES

The University will ensure that disciplinary procedures as a whole are concluded as quickly as possible, and normally within 90 calendar days from the start of the investigation.

#### **Witnessed Misconduct (Category A)**

- 8.13 If a member of Security Services) witnesses misconduct which can be classified as Category A, according to the categorisation outlined in Regulation 7.5, they may take one of the following actions:
- a) Issue a verbal advice which is accepted by the student;
  - b) Issue a fixed penalty notice of no more than £50 (or up to £100 for a repeat breach). If a student does not wish to accept the fixed penalty notice or is not in a condition to understand the process, they will be referred to the Director of Student Services (see 8.15). A student may receive no more than two fixed penalty notices in any twelve-month period. A third offence will result in an automatic referral to the Director of Student Services

#### **Allegations**

- 8.14 Allegations of misconduct will be addressed in one of the following ways:
- a) By the University Librarian, Chief Digital and Information Officer and/or the Director of Sport in accordance with Regulation 10, or the Students' Union in accordance with the [Students' Union Disciplinary Procedure](#);
  - b) By referral to the Director of Student Services (see section 8.15);
  - c) Through referral directly to the Police.

#### **Referral to Director of Student Services**

- 8.15 An allegation will be considered by the Director of Student Services to establish if it meets the definition of misconduct as outlined in Regulation 7. They will decide one of the following:
- a) To investigate the allegation, including initial categorisation of the misconduct as Category A, B or C (see Regulation 7.6);
  - b) To refer the reporting party to an alternative procedure;
  - c) To dismiss the allegation, with the consequence that no further action will be taken.
  - d) To address the allegation through an alternative procedure, for example Fitness to Study.
- 8.16 The Reporting Party may appeal against this decision using the Student Complaints Procedure.

#### **Investigatory Process**

- 8.17 If the allegation can be investigated as misconduct, as defined in Regulation 7, the Director of Student Services will initiate the investigatory process, which will be conducted by trained investigators.
- 8.18 The Respondent will be told in writing at the beginning of this process about the allegation against them.

- 8.19 Category A or B alleged misconduct will normally be considered by the Director of Student Services (see 8.24). Category C alleged misconduct will normally be considered by the Student Disciplinary and Misconduct Committee (see 8.30).
- 8.20 Where the alleged misconduct was directed at an individual or individuals, the decision of Categorisation will be ratified by the Director of Student Services (or nominee) with a Chair of the Student Disciplinary and Misconduct Committee and decisions reported to Senate.
- 8.21 At the conclusion of the investigation, an Investigation Report will be produced. This will include confirmation of the categorisation of the alleged misconduct in accordance with Regulation 7.6.
- 8.22 Using the Investigation Report, the Director of Student Services will determine one of the following:
- a) That the Respondent is in breach of Regulation 7 (see 8.24);
  - b) That there has been no breach of Regulation 7, concluding the Disciplinary Procedure. A Completion of Procedures Letter will be sent to the Respondent within 14 calendar days of the dismissal. This will include information on how the student could submit a complaint to the Office of the Independent Adjudicator (OIA) for review. *Student apprentices may also approach the ESFA for advice or to consider a complaint via the National Apprenticeship Helpline. The ESFA will normally not consider a complaint until the exhaustion of the University's own procedure.*
  - c) That the case should be referred to Student Disciplinary and Misconduct Committee (see 8.30);
  - d) That the case should be addressed through an alternative procedure, for example Fitness to Study.
- 8.23 If the allegation under investigation is upheld by determination of either the Director of Student Services or Student Disciplinary and Misconduct Committee then previous breaches of discipline may be considered when deciding on sanctions. This detail will not be provided before a determination on the current breach, unless they are a part of the categorisation of misconduct.

### **Category A or B Misconduct Disciplinary Process**

- 8.24 If the Respondent has been found in breach of Regulation 7 under Category A or B as a result of the investigatory process, the Director of Student Services will decide the sanction(s) to be applied.
- 8.25 The Respondent and Reporting Party will be informed of the Director of Student Services decision in writing, including any sanction(s) to be applied, and the time- frame in which they will apply.
- 8.26 The Respondent may request a copy of the Investigation Report, though confidential or sensitive information may be redacted (see section 8.8).
- 8.27 A Respondent may appeal against the decision of the Director of Student Services (or nominee). An appeal must be in writing and must be submitted within 14 calendar days to [governance@bath.ac.uk](mailto:governance@bath.ac.uk) A Respondent may only make an appeal on one or more of the following grounds:
- a) That there was procedural error in the conduct of the investigation of such a nature as to cause doubt as to the determination reached;
  - b) That new evidence has been made available which the Respondent could not reasonably have provided during the investigatory process;

- c) That there was bias during the procedure of such a nature as to cause doubt as to the determination reached;
  - d) That the sanction imposed was disproportionate.
- 8.28 An Appeal must include:
- a) A completed University Disciplinary Appeals form, indicating the outcome(s) against which the Respondent is appealing, the ground(s) on which the Appeal is based, and the Respondent's desired action following consideration of the Appeal;
  - b) All evidence available to the Respondent in support of the Appeal.
- 8.29 A Chair and a member of the Student Disciplinary and Misconduct Committee will consider the Appeal Case and decide on an appropriate response. They should be independent of the disciplinary case and have not been involved in any previous stage of the Disciplinary Procedure. They will decide on one of the following options:
- a) To dismiss the appeal on the grounds of not meeting the criteria outlined in 8.27, with the consequence that no further action will be taken. This will conclude the Disciplinary Procedures for Students, and a Completion of Procedures Letter will be sent to the Respondent within 14 calendar days of the dismissal. This will include information on how the student could submit a complaint to the Office of the Independent Adjudicator (OIA) for review. *Student apprentices may also approach the ESFA for advice or to consider a complaint via the National Apprenticeship Helpline. The ESFA will normally not consider a complaint until the exhaustion of the University's own procedure.*
  - b) To uphold the Appeal and amend the outcome/sanctions as appropriate;
  - c) To reject the Appeal.

**Category C Misconduct: severe harm, disruption or impact (or risk thereof) caused Student Disciplinary and Misconduct Committee Process**

- 8.30 On recommendation from the Director of Student Services a Student Disciplinary and Misconduct Committee will be convened, with the responsibilities and composition outlined in the Student Disciplinary and Misconduct Committee's Terms of Reference.
- 8.31 The Respondent(s) and Reporting Party(ies) will normally receive at least 7 calendar days' notice of any hearing. The notification will inform them of the time and place of the Student Disciplinary and Misconduct Committee Hearing, and will also provide them with:
- a) The Investigation Report, though confidential or sensitive information may be redacted (see section 8.8);
  - b) The names and roles of the Student Disciplinary and Misconduct Committee members.
- 8.32 Respondents and Reporting Parties may be accompanied by a friend, family member or adviser, whose identity must be provided to the Chair of the Student Disciplinary and Misconduct Committee within the timeframe given within the notice. Any accompanying individuals will not be entitled to speak on the Respondent or Reporting Parties behalf during the hearing.
- 8.33 The Respondent will have at least 3 calendar days after receiving notice of the

Student Disciplinary and Misconduct Committee Hearing to submit any evidence additional to that included in the Investigation Report, or in response to the findings of the Investigation Report. Inclusion of any additional evidence outside the timeframe, including if the respondent requests more than 3 days to submit additional evidence, will be at the discretion of the Chair. Any accepted additional evidence will be shared with all parties involved in the case, including the Reporting Party. This may result in the Student Disciplinary and Misconduct Committee being rescheduled.

- 8.34 If the Respondent fails to attend the Student Disciplinary and Misconduct Committee Hearing (either in person or virtually), having had appropriate notice of the Hearing's time and place, the Student Disciplinary and Misconduct Committee will consider the case in the Respondent's absence.
- 8.35 The Respondent will not be able to send a representative or spokesperson in their place, other than in exceptional circumstances and as agreed by the Chair of the Student Disciplinary and Misconduct Committee.

### **Conduct of a Student Disciplinary and Misconduct Committee Hearing**

- 8.36 The Student Disciplinary and Misconduct Committee will consider the Investigation Report. They will invite the Respondent to answer questions from the Committee. The Committee may also invite the Reporting Party (and may invite witnesses) to answer questions from the Committee.
- 8.37 Reporting Parties, Respondents and witnesses (including any friends, family members or advisors accompanying them in the Hearing) will not be entitled to question or cross-examine each other's statements, or to call witnesses additional to those named in the Investigation Report and invited by the Student Disciplinary and Misconduct Committee.
- 8.38 The Chair, in consultation with members of the Committee, will determine the order of proceedings and the conduct of the hearing.
- 8.39 The Student Disciplinary and Misconduct Committee will determine either:
  - a) That the Respondent is in breach of Regulation 7;
  - b) That there has been no breach of Regulation 7.
- 8.40 If the Respondent is found to be in breach of Regulation 7, the Student Disciplinary and Misconduct Committee will then decide on the sanction(s) to be applied using the University's Sanctioning guidelines.
- 8.41 The Respondent and Reporting Party will be informed of the Student Disciplinary and Misconduct Committee's decision in writing, no later than 7 calendar days, including how they have breached Regulation 7, any sanction(s) to be applied, and the time-frame in which they will apply. If the decision of the Student Disciplinary and Misconduct Committee is to recommend the expulsion of the student to the Vice-Chancellor, the student will be informed of this in writing, no later than 7 calendar days along with any other sanction(s) or measures precluding the expulsion.

### **Appeal Process**

- 8.42 If the Respondent wishes to appeal against the decision of Student Disciplinary and Misconduct Committee they may do this by submitting a written appeal to

[governance@bath.ac.uk](mailto:governance@bath.ac.uk) within 14 days of receiving the Student Disciplinary and Misconduct Committee's decision. A Respondent may make an Appeal Case on one or more of the following grounds:

- a) That there was procedural error in the conduct of the investigation of such a nature as to cause doubt as to the determination reached;
- b) That new evidence has been made available which the Respondent could not reasonably have provided during the investigatory process;
- c) That there was bias during the procedure of such a nature as to cause doubt as to the determination reached;
- d) That the sanction imposed was disproportionate.

8.43 Appeals are normally heard by the (Senate or Council) Appeals Committee. Appeals in relation to a decision to expel a student from the University will be considered by the Council Appeals Committee (see Statutes Section 27.2); all other appeals are normally heard by the Senate Appeals Committee. Temporarily during the coronavirus pandemic, appeals may be considered by one Senate member and one lay Council member on behalf of the Senate Appeals Committee; the appellant will normally be invited to put their case to the panel.

8.44 An Appeal Case must include:

- a) A completed University Disciplinary Appeals form, indicating the outcome(s) against which the Respondent is appealing, the ground(s) on which the appeal is based, and the Respondent's desired action following consideration of the appeal;
- b) All evidence available to the Respondent in support of the Appeal.

8.45 If a student is appealing against the sanctions imposed on them as a result of the Disciplinary Process, those sanctions will normally still be applied whilst the appeal is ongoing. Any precautionary measures (see 8.54) will still apply during the Appeals process.

8.46 The Secretary to Council, Secretary to Senate or a delegated authority and the Chair of Senate or Council Appeals Committee will assess the Appeal Case against the criteria in 8.42 and determine whether there are grounds for appeal. They will decide on one of the following options:

- a) To dismiss the Appeal Case on the grounds of not meeting the criteria in 8.42, with the consequence that no further action will be taken. This will conclude the University Disciplinary Procedure, and a Completion of Procedures Letter will be sent to the Respondent within 14 calendar days of the dismissal. This will include information on how the student could submit a complaint to the Office of the Independent Adjudicator (OIA) for review. ***Student apprentices may also approach the ESFA for advice or to consider a complaint via the National Apprenticeship Helpline. The ESFA will normally not consider a complaint until the exhaustion of the University's own procedure.***;
- b) To refer the case to the Senate or Council Appeals Committee (see 8.48)

8.47 The outcome of the Appeal process will normally be communicated in writing to the Respondent (and all those directly involved) within 30 days of the Appeal being lodged.

#### Senate or Council Appeals Hearing

8.48 When an appeal is determined to be eligible the Senate or Council Appeals Committee will normally be convened, with the responsibilities and composition

outlined in their Terms of Reference. See 8.49 - 8.50. When a Council and a Senate member determine an appeal during the coronavirus pandemic, the decision will be made in light of the appeal information submitted, although the members may request clarification from either party.

- 8.49 The Senate or Council Appeals Committee will consider the appeal case. The Senate or Council Appeals Committee may invite the Respondent to provide a verbal or written statement and answer questions from the Committee. The Reporting Party and any witnesses will not normally be invited to attend a Senate or Council Appeals Hearing. The Chair of the Student Disciplinary and Misconduct Committee may be invited to explain the decision of the Student Disciplinary and Misconduct Committee.
- 8.50 Respondents (and, if invited, Reporting Parties) may be accompanied by a friend, family member or adviser.
- 8.51 The Senate or Council Appeals Committee will decide on an appropriate response to the appeal. They will decide on one of the following options:
- a) To reject the appeal case, confirming the original outcome and sanctions;
  - b) To uphold the appeal case, and amend the outcome or sanctions appropriately;
  - c) To conduct additional investigative activities of new evidence, up to and including a re-hearing of the original allegation. In this instance, the Senate Appeals Committee will take the role of the Student Disciplinary and Misconduct Committee.
- 8.52 At the completion of the internal Appeals Process an outcome and Completion of Procedures Letter should be sent to the Respondent within 14 days. This will include information on how the student could submit a complaint to the Office of the Independent Adjudicator (OIA) for review. ***Student apprentices may also approach the ESFA for advice or to consider a complaint via the National Apprenticeship Helpline. The ESFA will normally not consider a complaint until the exhaustion of the University's own procedure.***
- 8.53 If an appeal is not submitted within 14 calendar days the student can request a Completion of Procedures letter. A Completion of Procedures letter can be requested within 28 days of the disciplinary outcome being communicated.

#### PRECAUTIONARY MEASURES

- 8.54 The University will take appropriate action to protect the safety and wellbeing of its members. Any interventions will be identified through a risk assessment conducted by trained members of University Staff.
- 8.55 Precautionary measures may include, but will not be limited to, one or more of the following options:
- a) Referral to an appropriate support service, such as Student Services, the Students' Union, or an external organisation;
  - b) A 'no contact' agreement to be put in place between the alleged Respondent, Reporting Party, and/or any witnesses;
  - c) Changes to the accommodation of the alleged Respondent, Reporting Party, and/or any witnesses;
  - d) Exclusion from certain parts of the University (see 8.59)
  - e) Suspension from the University (see 8.58)
- 8.56 These precautionary measures will be regularly reviewed throughout these

Disciplinary Procedures. They do not constitute a sanction, and make no presumption as to whether or not the Respondent has committed the alleged misconduct.

### **Suspension or exclusion as a precautionary measure**

- 8.57 A Student who fits one or more of these categories:
- a) Has been accused of misconduct;
  - b) Has a criminal charge pending against them;
  - c) Is the subject of police investigation;
  - d) Has failed to comply with precautionary measures (see 8.54);
- may as a precaution be suspended from any academic activities or excluded from any part of the University by the Vice-Chancellor or delegated authority (see 8.5), who will determine the period of such suspension or exclusion. Any such exclusion or suspension will be reported to Senate at its next meeting. *The University will inform the student apprentice's employer of any suspension or exclusion.*
- 8.58 The precautionary suspension of a student involves a total prohibition on attendance or access to the University and on any participation in University activities including placement, study abroad or exchange activities. However, it may be subject to qualification such as permission to attend for specified academic purposes or for limited and prescribed access to the University for the purpose of obtaining information relating to a disciplinary or court hearing.
- 8.59 Exclusion of a Student involves prohibition on entering certain areas of the University and exercising the functions or duties of any office or committee membership in the University or the Students' Union. The details would be specified in writing by to the student.
- 8.60 Where a decision has been made to temporarily exclude or suspend a student as a precautionary measure, the student will not be able to Appeal this decision until the Disciplinary Process is concluded.
- 8.61 A request may be made to the Students' Union that the student be excluded from Students' Union premises or activities.

### **Involvement of the Police and Criminal Courts**

- 8.62 If there is an allegation which could also constitute an offence under criminal law, the University may refer this directly to the police. The University may also become aware through other means, of criminal cases involving University students. In either instance, any University disciplinary action will be put on hold until the criminal case is concluded, to prevent prejudicing a criminal investigation. Where relevant necessary precautionary measures (see 8.54) will be implemented.
- 8.63 Where an allegation which may constitute a criminal offence has been raised the Reporting Party will have a choice as to whether to report to the police, other than in circumstances where there is a risk to the safety of the University or wider community, or a legal obligation to report a particular allegation. In these cases, the University's decision to refer to the police will be explained to the Reporting Party.
- 8.64 After Court proceedings have been completed the Vice-Chancellor will determine whether internal disciplinary action will be taken, and from which point in these procedures.
- 8.65 Where an allegation has been proven and the Respondent has also been sentenced by

a Court for the same incident, the penalty of the Court will be taken into consideration in determining the sanction under these Disciplinary Procedures. The University may impose additional sanctions according to its own Discipline Procedure.

- 8.66 The University may still proceed with the Disciplinary Procedure even if the police decide not to investigate an incident or if the Respondent is found not guilty. This is because those determining issues under this Procedure must make those judgements on the balance of probabilities, as opposed to beyond reasonable doubt, which is the burden of proof required for criminal cases.

### **Records and notification**

- 8.67 An internal record will be kept of hearings held by the Student Disciplinary and Misconduct Committee, the Senate Appeals Committee and the Council Appeals Committee.
- 8.68 The outcome of Student Disciplinary and Misconduct Committees, Senate Appeals Committees and Council Appeals Committees will be reported to the Senate at its next meeting.

*Amendments to these Regulations are approved by Senate. Any such amendments are identified above and will take effect from the date shown.*

*Date of Last Update: 6 April 2022*

## **9. RESERVATION OF AREAS**

- 9.1** The University recognises the wish of categories of its members and employees to have areas within the University premises reserved for their exclusive use.
- 9.2** Council may therefore determine that certain rooms be used for certain purposes only, and may on the recommendation of Senate approve the terms of agreements with the members of the Senior Common Room, the Students' Union, and such other bodies as it sees fit whereby areas are reserved for their exclusive use, and such agreements duly signed by the parties shall have the force of regulations.

*Amendments to these Regulations are approved by Senate. Any such amendments are identified above and will take effect from the date shown.*

*Date Published: 1 August 2021*

## **10. USE OF FACILITIES**

### **10.1 Introduction**

The use of University facilities (Library and Learning Centre, Computing facilities, Sports facilities) is governed by this Regulation and by local rules and regulations which have the force of University Regulations for discipline. These local rules and regulations are issued and amended on the authority of the University Librarian, the Director of Computing Services or the Director of Sport, as appropriate, in consultation with any relevant University Committee representing the interests of the users. Any inappropriate behaviour not relating to the use of facilities, or which is considered sufficiently serious to warrant further disciplinary action, will be dealt with in accordance with Regulation 8.

### **10.2 The Library and Learning Centre**

(a) The University Librarian may from time to time make such rules and regulations as may be necessary for the maintenance of good order and satisfactory conditions for users of the facilities. Such rules and regulations will be publicised in Library publications and on the Library's website (<http://www.bath.ac.uk/library/>).

(b) Any breach of Library rules and regulations, including the misuse of a University Library Card, renders the user liable to suspension or removal of borrowing rights or exclusion from the Library and Learning Centre. For Members of the University any withdrawal of facilities by the University Librarian will be subject to a right of appeal to the Deputy Vice-Chancellor and Provost.

(c) Fines for overdue lent materials are levied at the rates agreed from time to time by the University Librarian, in consultation with staff and student representatives. Current fines in force are advertised at the Library Issue Counter and on the Library's website (<http://www.bath.ac.uk/library/>).

(d) The University Librarian may additionally impose fines or replacement costs on any individual responsible for damage or loss of Library property, where such fines may represent the material and administrative costs to the Library of reparation.

(e) The following are eligible to make use of the Library:

- Members of the University as defined in Section 2 of the Statutes
- Other persons at the discretion of the University Librarian

All Members of the University who wish to use the Library are required to register on the occasion of their first visit. Persons who are not Members of the University may register as external members, subject to any required fee payment.

Any member of the public may apply in writing to the University Librarian for occasional reference use of the Library, on the understanding that the material consulted is not readily available to the public elsewhere within the region or at other libraries accessible to the applicant. Where permission is granted, individuals must provide proof of identity and must sign a visitors' book for each admission.

(f) Borrowing from the Library, subject to current rules and regulations, is an automatic right of staff and students of the University who are defined as Members of the University by the Statutes. Borrowing rights may be arranged for other persons at the discretion of the University Librarian and subject to any required fee payment.

- (g) The hours of opening of the Library and Learning Centre are determined by the University Librarian from time to time in accordance with the needs of the University. Within these hours, use may be restricted to consultation at certain times of the day.
- (h) Smoking, eating and drinking are not permitted within the Library.
- (i) Silence must be maintained in the silent study areas of the Library.

### 10.3 Computing Facilities

#### Definitions:

- (i) Computing facilities: any facility which is directly or indirectly linked through a computer processor (including the use of authorised software) whether or not all or part of the process lies under the jurisdiction and ownership of the University of Bath.
- (ii) Head of Department: Heads of Departments, the Deans, the Heads of School, the Librarian, the Chief Digital Information Officer, or the Heads of such other units as Senate may determine.
- (iii) Code of Practice - Computer Users Code of Practice issued by Computing Services (<http://www.bath.ac.uk/bucs/aboutbucs/policies-guidelines/policies-acceptable-use.html>)
- (iv) eduserv chest - software and information negotiation and licensing services for education and the public sector
- (v) JANET/SuperJANET - Joint Academic Network
- (a) All users of computing facilities are bound by general law, this Regulation, the Code of Practice, together with any specific rules that a Head of Department may from time to time introduce which apply to specific facilities within the appropriate department or to specific users.
- (b) Computer facilities shall be used for approved purposes and by approved users only. If a person appears to be using computing facilities for other purposes which are in breach of the Code of Practice, that person shall be subject to the regulatory disciplines laid down in the Code of Practice.
- (c) All users must respect the rights of others including those in proprietary software and datasets. The University subscribes to the eduserv User Acknowledgement of Third Party Rights (<http://www.eduserv.org.uk/services/Chest-Agreements/about-our-licences/user-obligations>). Breaches of these obligations shall be deemed to be breaches of this Regulation.
- (d) Intended users of computing facilities for financial gain must obtain approval in advance from the appropriate Head of Department, in order to ensure that suitable arrangements are made and to avoid infringement of licensing regulations. Such use must not start without the written permission of the relevant Head of Department. Such usage must also conform to the regulatory measures laid down in the JANET-Acceptable Use Policy (<https://community.ja.net/library/acceptable-use-policy>).
- (e) No person shall use computing facilities to hold or process personal data except in accordance with the provisions of the Data Protection Act 1998, or its successor Acts, in accordance with the procedures laid down by the University for that purpose.
- (f) No person shall make use of computing facilities allocated to another person

without the specific authorisation of the appropriate Head of Department.

(g) Where a breach of the Regulation, or the Code of Practice, occurs or is alleged, the user in breach shall be subject to the procedures laid down in the Code of Practice.

(h) Breaches of any rules relating to a computing facility will be regarded as a prima facie evidence of a breach of discipline. If the user in breach is a student, disciplinary measures may be taken under the appropriate Regulation or Statute, regardless of the academic consequences.

If the user in breach is a member of staff, disciplinary measures may be taken through the Director of Human Resources.

(i) Potentially criminal behaviour may be reported by the University directly to the police. A note of current relevant law is appended to the Code of Practice. (Regulations 7 and 8 also refer).

#### **10.4 Sports Facilities**

(a) The Director of Sport may from time to time make such rules and regulations as may be necessary for the maintenance of good order and for the safety of users. Such rules and regulations will be displayed in appropriate places.

(b) Any breach of local rules and regulations for the use of sports facilities renders the user liable to suspension or exclusion from the facilities. The Director of Sport, with or without such rules and regulations, has the power to withhold facilities. For members of the University an appeal against any withdrawal of facilities may be made to the Deputy Vice-Chancellor and Provost.

(c) The following are eligible to make use of the sports facilities:

- Members of the University as defined in Section 2 of the Statutes
- Other persons at the discretion of the Director of Sport.

Any person using the facilities may be required to produce evidence of eligibility.

(d) The hours of opening of the sports facilities are determined by the Director of Sport from time to time in accordance with the needs of the University. Within these hours, use may be restricted to certain categories of persons at certain times of the day.

(e) Any person committing a breach of any of the local rules and regulations or causing a disturbance within the facilities may be asked to leave.

*Amendments to these Regulations are approved by Senate. Any such amendments are identified above and will take effect from the date shown.*

*Date of Last Update: 25 September 2020*

**11. DOGS AND OTHER PET ANIMALS**

Dogs and other pet animals may not be brought into University buildings or on to the playing fields, with the exception of assistance dogs for people with disabilities.

*Amendments to these Regulations are approved by Senate. Any such amendments are identified above and will take effect from the date shown.*

*Date Published: 1 August 2021*

## **12. USE OF MOTOR VEHICLES ON THE UNIVERSITY SITE**

- 12.1** No motor vehicle may be driven or parked within the University grounds unless it is licensed, insured, roadworthy and registered with the University through Parking Services. Learner drivers are not permitted to drive within the University grounds whether accompanied by a qualified driver or not.
- 12.2** A vehicle will not be eligible for a parking permit unless the person wishing to register it possesses a full driving licence.
- If a parking permit is granted, a physical permit will be issued. This must be displayed in the vehicle so that it is clearly visible.
- 12.3** A permit is issued subject to the conditions notified at the time of issue, and will be cancelled if the conditions are not complied with.
- 12.4** Undergraduate students living in non-University accommodation in postal districts BA1 and BA2 will not be granted a permit except in exceptional circumstances.
- 12.5** Students living in University accommodation on or off campus may not park motor vehicles on University property, unless granted a permit, or on public roads within the City of Bath boundaries. Permits will only be issued in exceptional circumstances.
- 12.6** When a registered driver disposes of his or her vehicle Parking Services must be notified and the permit returned to the Security Desk in the Library. If the registered driver wishes to bring a different vehicle into use a fresh permit must be obtained before doing so.
- 12.7** The University has a parking enforcement procedure, details of which can be found at <https://www.bath.ac.uk/corporate-information/parking-regulations/>. Security Officers and Parking Wardens are authorised to take appropriate action under this procedure to deal with vehicles which they consider to be improperly parked; action could include the issue of a warning or parking charge notice.
- 12.8** Drivers must observe the speed limits in force on roads within the University site, and drivers must observe the road signs for the safety of all road users. Drivers must stop when requested to do so by the Security Staff.
- 12.9** The University reserves the right to remove unauthorised vehicles and to dispose of them. The vehicle owner shall have no claim against the University if it exercises this right.

*Amendments to these Regulations are approved by Senate. Any such amendments are identified above and will take effect from the date shown.*

*Date of Last Update: 22 July 2021*

**13. ADMISSIONS REGULATIONS FOR FIRST DEGREES *BY DEGREE APPRENTICESHIP***

- 13.1 No applicant shall be admitted to a programme leading to a first degree in the University, except by special permission, unless:
- (a) he or she has satisfied the general entrance requirements of the University and
  - (b) he or she has satisfied the specific requirements for the programme to which admission is sought and
  - (c) he or she, if under 18 on 1st October of the year in which admission is sought, has complied with the requirements of the Policy on the Admission and Support for Students Entering the University Under the Age of 18 and
  - (d) he or she has accurately informed the University of any relevant criminal convictions as directed during the application process and has complied with the University's requirements in relation to the further scrutiny of any criminal convictions and
  - (e) he or she has completed the application process for any checks and/or Disclosures required by the University from the Disclosure and Barring Service.

**13.2 General Entrance Requirements**

The University maintains General Entrance Requirements for first degrees which will include at all times provisions that:

- (a) applicants should hold an appropriate range of prior qualifications. Detailed requirements, including appropriate references to international equivalent frameworks, will be specified in the admissions area of the University website. International qualifications for which general entrance requirements are not specified will be assessed by the Recruitment and Admissions Office on a case-by-case basis;
- (b) *[this regulation does not apply to apprentices]*
- (c) Departments, Schools and partner organisations may apply for exemptions from the General Entrance Requirements where they have evidence to show that the candidate has other equivalent or acceptable qualifications and/or experiences. Written cases outlining the basis on which the department, School or partner organisation believes the candidate to be qualified for admission may be submitted to the Director of Academic Registry, or nominated deputy. The number and nature of exemptions will be monitored by Director of Academic Registry and any exceptional cases will be reported to Senate on an annual basis.
- (d) Applicants must provide full and accurate information in relation to all the qualifications and personal information contained on a University application form. The University may withdraw the applications of candidates failing to do this.

**13.3 Programme Requirements**

Programme requirements are approved by the Senate and may specify:

- (a) the academic qualifications necessary for entry in addition to the general entrance requirements;
- (b) any particular non-academic skills or attributes required for entry together with an indication of how these will be assessed as part of the admissions process;

(c) the nature of any additional tests which may form part of the admissions process and whether selective interviews are routinely required.

Departments, Schools and partner organisations are required to publish a summary of programme requirements in the Undergraduate Prospectus and, with appropriate further detail, on their web pages.

*Amendments to these Regulations are approved by Senate. Any such amendments are identified above and will take effect from the date shown.*

*Date of Last Update: 7 October 2020*

**14. ADMISSIONS REGULATIONS FOR DIPLOMA AND CERTIFICATE PROGRAMMES**

*[This regulation does not apply to apprentices]*

## 15. ASSESSMENT OF UNDERGRADUATE AND TAUGHT POSTGRADUATE PROGRAMMES

### 15.1 Scope

(a) These regulations apply to all summative assessments, i.e. assessments used to determine progression or eligibility of an award, approved by Senate, or by any formally-constituted body receiving delegated authority from Senate to undertake such approval.

(b) These regulations do not apply to formative assessment, i.e. assessment not defined in approved schemes of studies but contributing to the student's learning experience. Such formative assessment shall be entirely at the discretion of the appropriate academic Department.

(c) *[Removed and replaced with the following]*

The New Framework for Assessment: Assessment Regulations (NFAAR) will constitute the regulations and procedures applicable to student *apprentices*:  
<http://www.bath.ac.uk/registry/nfa/index.htm>

15.1(d) – (g) *[These regulations do not apply to apprentices]*

### 15.2 Definitions

(a) **Units** are discrete components of learning with defined outcomes and assessment. Each unit has a credit weighting which represents its fractional contribution to a student's notional workload in a full-time academic year of study.

(b) **Schemes of study** are those documents which set down the approved curriculum, rules, requirements and scheme of assessment for a programme of study.

(c) **Programmes of study** are those compulsory, optional and elective units defined within approved schemes which lead to named awards of the University.

(d) **Final Assessments** are those assessments the results of which count in determining the award or the level of the final award (Degree, Diploma or Certificate of the University).

(e) **Progress Assessments** are those assessments the results of which contribute to the evaluation of a candidate's fitness to proceed from one year, or part of the programme of study, to the next.

(f) **Supplementary Assessments** are those assessments approved by the appropriate Board of Studies for deferred assessment or retrieval of failure in accordance with the

provisions of approved schemes. Supplementary assessments are regarded as 'final' or 'progress' in accordance with the provision of the individual scheme of study.

(g) **Formative Assessments** are those assessments not defined in approved schemes of studies but contributing to the student's learning experience.

(h) **Summative Assessments** are those assessments defined within approved schemes of studies to test the achievement of learning outcomes. Summative assessments can be either 'final' or 'progress' according to the individual scheme of study.

### 15.3 Assessment Procedure

(a) Each unit within the University's modularised academic framework has its own assessment requirements which enable a Board of Examiners for Units to determine whether or not a candidate has achieved the intended learning outcomes. A Board of Examiners for Units will be responsible for determining the marks achieved by students taking units under its academic authority. External examiners will be involved in agreeing the marks for any final assessment.

(b) Examinations will be conducted by a Board of Examiners for Units and will be subject to the provisions of Ordinance 15. All examinations will be conducted in English, unless the scheme of study otherwise requires. All other forms of assessment will be submitted in English unless the Board of Studies approves a presentation in another specified language.

(c) Unit results will be forwarded to the appropriate Board(s) of Examiners for Programmes. A Board of Examiners for Programmes will be responsible for determining award classifications and for considering the progression of students registered on programmes of study under its academic authority, taking account of individual mitigating circumstances as it deems appropriate. External examiners will be involved in reaching all decisions relating to the conferment of awards and the determination of final degree classifications.

(d) A student who wishes any individual mitigating circumstances to be taken into account by the Board of Examiners for Programmes should notify the appropriate Director of Studies no later than three working days after an individual assessment is due to be completed, or, for multiple assessments, no later than three working days after the end of a formal assessment period. Evidence will be required.

Where individual mitigating circumstances exist prior to the assessment period, students will normally be expected to have notified the Director of Studies of those circumstances before the start of the assessment period.

Full guidance on the University's principles and procedures for dealing with IMCs and assessment are set out in the document entitled *Individual Mitigating Circumstances & Assessment – Principles & Procedures within & outside the New Framework for Assessment: Assessment Regulations*, abbreviated as IMCA. Associated webpages will provide guidance about submission processes and timescales, evidence expectations, and examples of normally valid and ineligible mitigating circumstances.

(e) Any student who is requested by her or his Director of Studies to do so must provide an electronic version of a piece of work to be assessed, selected by the Director of Studies, for submission to a service such as the Joint Information Services Committee (JISC) Plagiarism Detection Service (<http://www.plagiarismadvice.org/>). All assessed coursework will be accompanied by a declaration from the student that the work is their own and that any re-use of their own work, or use of the work of others, is referenced appropriately. Where work is submitted electronically via Moodle the coursework submission page will include a statement indicating that by submitting the assessed work the student confirms that the work is their own and that

any re-use of their own work, or use of the work of others, is referenced appropriately.

(f) Boards of Examiners for Programmes will assess the performance of each student and will make recommendations to the appropriate Board of Studies concerning the progress of each student. These recommendations will be based on the impartial application of the assessment criteria embodied in the scheme of assessment. In the case of students who have failed to satisfy the criteria for progression, a Board of Examiners for Programmes will specify any supplementary assessment that will need to be successfully completed before the student can proceed to the next year or part of their programme of study.

(g) In the case of a student the extent of whose failure precludes the possibility of retrieval by supplementary assessment, a Board of Examiners for Programmes will recommend to the Board of Studies whether the candidate should be required to withdraw from the University or should be required to re-take all of the failed units and their associated assessments or should be required to repeat the failed year of their programme. The Board of Studies will not normally approve any recommendation to require a student to withdraw from the University at the end of the first semester.

(h) Boards of Studies will consider the recommendations of the Board of Examiners for Programmes and will approve decisions on progression and the conferment of awards by the authority of Senate. Boards of Studies will be responsible for the publication of their decisions.

(i) A student may appeal against a Board of Studies' decision on any of the grounds listed in Regulation 17. Regulation 17 outlines the appeal procedures to be adopted in such a case.

(j) If a candidate is prevented by death, illness or other sufficient cause from presenting for, or completing, a final assessment for the Degree, Diploma or Certificate, Senate may confer the award of an Aegrotat Degree (with or without Honours), Diploma or Certificate but may not place the candidate in a class or division. (The procedure for the award of an Aegrotat Degree is stated in Ordinances 14.8 and 14.9).

(k) Only in exceptional circumstances, known and accepted in advance by the Board of Studies, may a final year candidate be permitted to retrieve failure in order to qualify for a classified Honours Degree.

#### **15.4 Regulatory Framework**

(a) Detailed policies and guidelines relating to assessment procedures and the conduct of Boards of Examiners are included in the University's Quality Assurance Code of Practice. (<http://www.bath.ac.uk/quality/cop/>)

(b) Schemes of assessment outline the regulations for progression and conferment associated with particular programmes. Schemes of assessment are published by the Departments and are available to students.

(c) The Director of Academic Registry, in consultation with Boards of Studies, may from time to time prescribe the procedure of preparing question papers, invigilation arrangements, and any other matters relating to assessment. These procedures will be published as University Rules.

#### **15.5 Use of Calculators in Examinations**

1. Candidates are not permitted to bring calculators into examinations unless the rubric of the examination specifically permits it. In such cases, only calculators approved by the Board of Studies under approved procedures will be permitted.
2. Where the rubric specifies the use of University-supplied calculators, candidates should on no account be allowed to use their own calculators even though the model be alleged to be identical to those supplied by the University.
3. No power supply will be made available to candidates.
4. Calculators must operate quietly and cause no disturbance to other candidates; invigilators are empowered to remove offending machines.
5. All forms of instruction manual, operating guide or aide memoire, and written or printed program record or listing, are prohibited.

**Note:** In rare instances, where students are permitted to use their own calculators, they use them at their own risk, and no account can be taken by the Examiners of any malfunction.

### **15.6 Use of Dictionaries in Examinations**

1. Dictionary provision may be made as follows:

Senate has resolved that all candidates should be allowed access to an English (only) dictionary, except in cases where this is inappropriate because part of the purpose of the examination is to test the use of language. It is the responsibility of the Board of Studies concerned to determine which examinations are excluded from this provision.

2. English (only) dictionaries will be present in each examination venue and provided to students upon request during the examination.
3. Electronic dictionaries may only be used in examinations if their use has been approved by the appropriate Board of Studies as a special need for a named individual. The Board of Studies will determine the procedures necessary to ensure that such a named individual does not have an unfair advantage over other students through use of an electronic dictionary.

### **15.7 Maximum period for completion of study and assessment**

(a) – (f) [*Removed and replaced by the following*]

*a) The typical period for completion of study and assessment will be stated in the approved scheme of study. Within reason, there is no maximum duration.*

*b) A student apprentice will have an individual ‘Expected End Date’ agreed by the student, employer and the University.*

*Amendments to these Regulations are approved by Senate. Any such amendments are identified above and will take effect from the date shown.*

*Date of Last Update: 6 October 2021*

## 16. ADMISSIONS REGULATIONS AND CONDITIONS FOR THE AWARD OF HIGHER DEGREES BY DEGREE APPRENTICESHIP

These Regulations shall apply to the following higher degrees awarded by the University *as part of a Degree Apprenticeship*:

Master of Arts (MA)

Master of Business Administration (MBA)

Master of Research (MRes)

Master of Science (MSc)

*[The rest of this list has been removed as it does not apply to apprentices]*

### 16.1 General Provisions applying to Higher Degrees

(a) ADMISSIONS PROVISIONS FOR ALL HIGHER DEGREES OTHER THAN DSc AND DLitt

Applicants must provide full and accurate information in relation to all the qualifications and personal information contained on a University application form. The University may withdraw the applications of candidates failing to do this.

No applicant shall be admitted to a programme leading to a higher degree in the University, except by special permission, unless:

(i) he or she has provided the University with satisfactory evidence of his or her standard of English language and *mathematics* ability. This evidence will normally comprise a formal recognised test. Minimum standards for entry to higher degrees, together with a list of recognised tests, will be approved by the Senate. *[The remainder of this paragraph has been removed as it does not apply to apprentices].*

and

(ii) he or she has a first degree from a recognised higher education institution, normally at honours (or equivalent) level. Applicants who have an ordinary degree (or equivalent) may be admitted provided this is consistent with the department or school's approved admissions criteria. Applicants who do not have a degree but who may be qualified for admission through the assessment of Accreditation of Prior (Experiential) Learning must be considered under specific procedures in place in Departments and Schools and approved by the Board of Studies and

(iii) he or she has satisfied any additional specific requirements for the programme to which admission is sought and

(iv) he or she has accurately informed the University of any relevant criminal convictions as directed during the application process and has complied with the University's requirements in relation to the further scrutiny of any criminal convictions and

(v) he or she has completed the application process for any checks and/or Disclosures required by the University from the Disclosure and Barring Service.

(vi) *[This regulation does not apply to apprentices]*

(b) CHANGES IN ACADEMIC DETAILS OF THE CANDIDATE'S REGISTRATION FOR ALL HIGHER DEGREES

Any changes proposed to the academic details of the registration are subject to approval by the appropriate Board of Studies. 'Academic details' include the following: transfer from one programme of study to another (including confirmation of PhD registration and transfer from MPhil to PhD, both of which require Board of Studies' approval); change of mode of study (including transfer to 'writing up' status); change of supervisory arrangements; change of thesis/portfolio title; suspension of registration; extension of registration; termination of registration; withdrawal; transfer to another institution.

(c) COMPLETION OF REGISTRATION PERIOD FOR THE DEGREES OF MA, MBA, MRes, MSc, *[The rest of this title has been removed]*

A *student* who, having completed the prescribed minimum period of attendance, has not completed the work and requires continued supervision and use of University facilities at the same level as during the prescribed minimum period, must continue to be registered. *[The remainder of this paragraph has been removed]*

A *student* who, having completed the prescribed minimum period of study, requires continued supervision and use of University facilities at a reduced level, must continue to be registered. *[The remainder of this paragraph has been removed]*

*[The remainder of this section has been removed as it does not apply to apprentices.]*

(d) SUSPENSION OF REGISTRATION FOR ALL HIGHER DEGREES

*A student apprentice will normally complete the apprenticeship by their Expected End Date, as determined by the duration stated in the Scheme of Studies and Individual Learning Plan. However, a student apprentice* who has to discontinue the programme of study for a period of time by reason of illness or other specific reasons may apply for suspension of registration for a period *through their employer*. Each application must be considered by the Board of Studies on its merits and will not normally be granted for reasons other than the following:

- (i) A serious or incapacitating injury, illness, or medical condition (or a sudden, marked deterioration in an on-going or longer-term condition), or an emergency operation.
- (ii) Significant disruption of personal life including maternity, paternity, childbirth and, in the case of part-time students only, pressure from other business/employment.
- (iii) Election as a Students' Union Officer.

Appropriate corroborating evidence (such as a medical certificate) will normally be required in support of requests for suspension.

Approval will not normally be given for retrospective requests for suspension, or for periods of suspension totalling more than 12 months during a student's total period of registration.

***Unless otherwise stipulated by the Funding Rules of the Education and Skills Funding Agency, or by agreement between the University and the employer, no fees shall be charged during a period of approved suspension of studies. Suspension of registration should not be sought in cases where an extension of registration or re-registration is more appropriate.***

**(e) EXTENSION OF REGISTRATION FOR ALL HIGHER DEGREES**

The Regulation for each particular Degree sets out the scope for extension of registration for that degree. Significant data loss or unforeseeable difficulties with data gathering which have not completely prevented the student from preparing a ***project***, and which were beyond their control, will normally be acceptable as a basis for an extension. These may include, but not be limited to, difficulties in conducting fieldwork, or equipment failure. Requests for extension received later than 3 months prior to the expiry of registration for a Degree by Research will only exceptionally be granted.

The following will not normally be acceptable as grounds for permitting an extension of registration:

- i) Conduct of research, such as fieldwork, away from the University.
- ii) Issues more properly addressed by means of suspension (see Regulation 16.1(d)).
- iii) Lack of progress/attendance on the part of the student.
- iv) ***[This regulation does not apply to apprentices]***

**(f) CHANGE OF MODE OF STUDY**

Where the particular Degree Programme Regulations permit both full-time and part-time study, candidates will normally be permitted to seek change from full-time to part-time registration or vice-versa on only one occasion during their registration for the particular Degrees by research. ***[The remainder of this paragraph has been removed]***

**(g) *[This regulation does not apply to apprentices]***

**(h) TERMINATION OF REGISTRATION**

In addition to the provisions of Regulations 3.1 and 3.2, a student's registration may be terminated by the Board of Studies on one or more of the following grounds:

- i) The wish of the student, with or without the agreement of the supervisor or Director of Studies, to withdraw from the University.
- ii) Failure by the student to make progress considered by the Board of Studies to be satisfactory where the cause of the failure is beyond the University's control.
- iii) ***[This regulation does not apply to apprentices]***

(i) HOLIDAY ENTITLEMENT

*[Removed and replaced by the following]*

*A student apprentice is entitled to leave as determined by their contract of employment. Leave requests are considered by the employer under its leave procedures, taking into consideration the requirements of the apprenticeship.*

(j) *[This regulation does not apply to apprentices]*

(k) PLAGIARISM CHECKING

Any student who is requested by his or her Director of Studies to do so must provide an electronic version of a piece of work to be assessed, selected by the Director of Studies, for submission to a service such as the Joint Information Services Committee (JISC) Plagiarism Detection Service. This piece of work may be the entire thesis.

(l) CONSTITUTION OF BOARDS OF EXAMINERS FOR THE DEGREES

The Board of Examiners shall be constituted in accordance with Ordinance 15 for the degrees of MA, MBA, MRes, MSc. *[The rest of this paragraph has been removed]*

(m) *[This regulation does not apply to apprentices]*

(n) CONSTRAINTS UPON PUBLICATION OF WORK

Any constraint upon publication of the thesis/portfolio must be approved by the relevant Board of Studies. If constraint relates to a period of confidentiality longer than three years, the Board of Studies decision must be reported to Senate.

(o) BOARD OF STUDIES

All references to the 'Board of Studies' means the Board of Studies (Doctoral), with the exception of section 16.1(b) and 16.2 where it refers to the Board of Studies of the Faculty or School in which the candidate is registered. In the case of the School of Management it means the Board of Studies of the School of Management.

(p) RESEARCH INTEGRITY

Candidates conducting research whilst registered at the University of Bath are expected to comply with the *Code of good practice in research integrity* in addition to meeting the requirements for academic integrity set out in Regulation 3.7. *[The remainder of this paragraph has been removed as it does not apply to apprentices]*

**16.2 The Degrees of Master of Arts (MA), Master of Business Administration (MBA), Master of Research (MRes) and Master of Science (MSc)**

This Regulation should be read in conjunction with Regulation 16.1.

(a) ADMISSION

(i) For English Language requirements, see Regulation 16.1 (a).

(ii) Graduates of the University, or any other University approved by the Senate for this purpose, may be admitted to a programme leading to the Degree of Master,

provided they have satisfied the Head of the Department concerned (or a nominated deputy) as to their fitness to pursue the programme of study.

Persons who are not graduates of a University may be admitted as candidates for the Degree by the appropriate Board of Studies provided they hold qualifications which are approved by the Board of Studies for this purpose and provided they have satisfied the Board of Studies as to their fitness to pursue the programme of study. The current minimum non-graduate qualifications acceptable to individual Departments for registration for higher degrees are published in the Postgraduate Prospectus.

(b) PROGRAMME OF STUDY

The programme to be followed shall be one of supervised study following an approved scheme of studies.

(c) MINIMUM PERIODS OF REGISTRATION

In accordance with Ordinance 14, the period of study shall not be less than twelve calendar months.

(i) ***[This regulation does not apply to apprentices]***

(ii) *Part-time and distance-learning candidature*

The period of study shall be at least twenty-four calendar months.

(d) MAXIMUM PERIODS OF REGISTRATION

A full time, part time or distance learning student shall present the required written work for examination as prescribed in the scheme of studies ***and their 'Expected End Date'***. A student unable to do so may seek an extension of registration ***from their employer and in agreement with the University.***

(e) SUSPENSION OF REGISTRATION

See Regulation 16.1 (d).

(f) COMPLETION OF REGISTRATION

See Regulation 16.1 (c).

(g) RE-REGISTRATION

A student whose registration has lapsed either by the passage of time or through non-payment of fees must seek permission of the Board of Studies to register as a student for the degree. In such cases the Board of Studies may specify what previous periods of study, if any, may be counted towards the minimum prescribed period of study ***in line with the ESFA Funding Rules.***

(h) ATTENDANCE REQUIREMENTS

***[Removed and replaced with the following] The attendance requirements shall be as specified in the appropriate scheme of studies and as agreed between the employer, student apprentice and University.***

(i) SUPERVISION

Every *student* shall be assigned to an internal supervisor or supervisors, by the Board of Studies. In the case of distance-learning students and for other students where necessary, an external supervisor shall in addition be assigned *such as an employer mentor*.

(j) BOARD OF EXAMINERS

See Regulation 16.1 (l).

(k) AWARD OF THE DEGREE OF MASTER

(i) The Degree of Master may be awarded to students who shall have pursued a programme as prescribed under Regulation 16.2(b) above and have satisfied the examiners by presenting a satisfactory dissertation or project (having passed the examination requirements as prescribed in the scheme of studies).

(ii) Students who fail to satisfy the examiners may, subject to the provisions of Regulation 15, present themselves again for examination as directed. Except in the case of the End Point Assessment, if they fail to satisfy the examiners at the second attempt they shall not be eligible again as students for the same award.

(iii) Subject to Regulation 16.2 (d) dissertations, projects or other required work must be submitted as prescribed in the scheme of studies.

(l) REVIEWS

Regulation 17 sets out the procedures to be followed in cases where a review of a student's progression or result is required.

**16.3 – 16.17 [*These regulations do not apply to apprentices*]**

*Amendments to these Regulations are approved by Senate. Any such amendments are identified above and will take effect from the date shown.*

*Date of Last Update: 7 October 2020*

## **17. CONDUCT OF STUDENT ACADEMIC APPEALS AND REVIEWS**

### **INTRODUCTION**

#### **Scope**

- 17.1** This Regulation applies to all programmes of study leading to an award of the University. It gives effect to the responsibility of Senate prescribed in Statute 19.43: *To consider, to adjudicate upon, and, if thought fit, uphold academic appeals by students relating to (a) progression from one part of the programme of studies to the next; or (b) the outcome of examinations or formal course assessments; or (c) dissatisfaction of a student with the level of attainment where there exists new and relevant information concerning matters which might have affected that student's performance.* It provides the means whereby individual students may appeal against decisions made by a Board of Studies relating to their academic progress, the marks/grades, degrees, certificates or diplomas, and the classifications/grades awarded to them. Dissatisfaction with a mark or set of marks, or any other aspect of the properly exercised academic judgement of the examiners, will not of itself be acceptable as a valid ground for an Academic Appeal. The procedure for submitting complaints about other matters is set out in Appendix 1 to the Regulations.
- 17.2** Students who have concerns about assessment outcomes that have not yet been approved by a Board of Studies should seek advice in the first instance from their Director of Studies. This may include matters such as suspecting errors in the totalling or transcription of marks/grades, or wishing to seek clarification about the marking process.

#### **Principles**

- 17.3** By means of this regulation, the University ensures that students can, in good faith, submit an Academic Appeal and not be penalised for so doing. Students' requests will be addressed fairly, promptly and, so far as is compatible with proper consideration of the case, confidentially. Any complaint which might arise in this regard may be addressed by means of the procedure set out in Appendix 1 to the Regulations.
- 17.4** It is the responsibility of students making an Academic Appeal to behave responsibly and not to make unwarranted or unsubstantiated allegations concerning the personal or professional reputations or conduct of members of University staff.
- 17.5** From time to time, a group of students might wish to submit a group Academic Appeal.
- a) If a group appeal is deemed by the Chair of the Board of Studies to be an appropriate method to deal fairly with the circumstances of the individual students involved, the Chair of the Board of Studies will invite the group to nominate one student to act as the group representative. The Chair of the Board of Studies will deal with the group representative, and this student will be expected to liaise with the other students. It is expected that appropriate adjustments may need to be made to the processes described here, including, for example, Executive Action being determined as applicable to all in the group, or an Appeal Hearing being conducted collectively for the group. Individuals' personal data should not be disclosed to the

group, and outcomes that reflect individual circumstances should be communicated directly and separately to all group members.

- b) If a group appeal is deemed by the Chair of the Board of Studies to be an inappropriate method to deal fairly with the circumstances of the individual students involved, the Chair of the Board of Studies may elect to invite the students to submit appeals individually, within seven days of the invitation to do so. In such cases, consideration of the individual cases will follow the normal processes described here.

**17.6** Both students and staff may seek guidance in relation to student Academic Appeals and Reviews as appropriate. For example, a student may seek guidance on drafting the appeal or request for review from an appropriate source such as the Postgraduate Association or the Students' Union. Guidance on the University's Student Academic Appeals and Reviews procedure, and about the Complaints procedure, is available at <http://www.bath.ac.uk/students/support/complaints/index.html>

## **Disclosure**

**17.7** In accordance with the provisions of Statute 28, no papers, minutes or other records which relate to reserved areas of business shall at any time be made available to a student, except insofar as the papers, minutes or other records constitute the student's own personal data. Reserved areas of business include those concerning decisions on the academic assessment of individual students; in any case of doubt, the Chair of the Board of Studies shall decide whether a matter is a reserved area of business or not, and the Chair's decision shall be final.

**17.8** Guidance on the disclosure of papers relating to an Academic Appeal is available on the University's Data Protection Website (<https://www.bath.ac.uk/guides/data-protection/> ). Further advice is also available from the University's Legal Adviser. *Details of an academic appeal may be shared with the student apprentice's employer.*

## **OVERVIEW OF PROCESS**

### **Preparatory appointment of Board of Studies Appeal Hearing panel members**

**17.9** At the start of the academic year, each Faculty will appoint two members of academic staff from each Department within the Faculty who are not members of the Board of Studies and have experience of student matters (for example, as a Director of Studies) to serve as Board of Studies Appeal Hearing panel members. The membership of any Board of Studies Appeal Sub-Committee will include members drawn from this panel, and the Chair of the Board of Studies will seek advice from appropriate members of the panel when specified types of Executive Action may be proposed. The School of Management and the Doctoral College will co-opt at least three members from the Faculty panels to serve as its Board of Studies Appeal Hearing panel members.

### **Stage 1 (Academic Appeal)**

**17.10** An Academic Appeal will initially be considered by the Chair of the appropriate Board of Studies. The Chair will determine either a) that a *prima facie* case has been established such that an Appeal Hearing must be held or Executive Action taken, or b) that no *prima facie* case has been established, with the consequence that no further action should be taken.

**Stage 2 (A) (Review of Stage 1 Academic Appeal outcome where no *prima facie* case has been established)**

**17.11** Where the outcome of an Academic Appeal is that no *prima facie* case has been established, the student may ask the Director of Academic Registry for a review of the process and its outcome. The Director of Academic Registry will determine a) that an Appeal Hearing should take place, or b) that the Chair of the Board of Studies should be invited to take Executive Action, or c) that no further action should be taken. A decision by the Director of Academic Registry that no further action should be taken constitutes completion of internal procedures.

**Stage 2 (B) (Review of Appeal Hearing or Executive Action)**

**17.12** Where an Appeal Hearing has been held or Executive Action taken and the student disagrees with the outcome and wishes further evidence or procedural irregularities to be considered, the student may ask the Secretary to Senate to convene a Student Academic Appeals Committee to consider the case. The Secretary to Senate in consultation with the Head of Strategic Governance, the Director of Policy, Planning and Compliance and, if necessary, relevant legal advice, will determine whether, in accordance with Statute 19.43, a Student Academic Appeals Committee should be convened. Both the outcome of a Student Academic Appeals Committee and a decision not to convene one constitute completion of internal procedures.

**Timescales for Appeal Hearings and Student Academic Appeals Committees**

**17.13** Timescales and arrangements for attendance at Appeal Hearings and Student Academic Appeals Committees may be negotiated (for example, in the case of distance-learning programmes). See also Regulations 17.26 and 17.44.

**Appeal to the Office of the Independent Adjudicator**

**17.14** Where the University's internal procedures have been completed but the student remains dissatisfied, the student may submit the case to the Office of the Independent Adjudicator. *They may also seek advice from the Education and Skills Funding Agency.*

**STAGE 1: ACADEMIC APPEALS**

**Making an academic appeal**

**17.15** Dissatisfaction with a mark or set of marks, or any other aspect of the properly exercised academic judgement of the examiners, will not of itself be acceptable as a valid ground for an Academic Appeal.

**17.16** An Academic Appeal must meet all of the following four requirements:

- a) It must relate to a decision taken by a Board of Studies in respect of one or more of the following:
  - i. the student's suitability to progress from one stage of the programme of studies to the next;
  - ii. the student's suitability to remain on the programme of study;
  - iii. the marks/grades, degrees, certificates or diplomas, and the classifications/grades awarded to the student.
- b) It must be submitted, in writing, no more than fourteen calendar days after notification of the decision of the Board of Studies.
- c) It must be based on one or more of the following grounds:

*For both taught and research degrees*

- i. that there exist circumstances affecting the performance of the student of which the Board of Examiners have not been made aware and which the student could not reasonably have been expected to have disclosed to the Director of Studies in accordance with Regulation 15.3 (d);
- ii. that there were procedural irregularities in the conduct of the examinations or formal course assessments (including administrative error) of such a nature as to cause reasonable doubt whether the Board of Examiners would have reached its decision had the irregularities not occurred;
- iii. that there is positive evidence of prejudice, bias or inadequate assessment on the part of one or more of the examiners;

*For research degrees only*

- iv. that there were genuine academic differences in philosophical approach or paradigms which had not been apparent when examiners were appointed on the recommendation of the Board of Studies.

d) It must include:

- i. a completed University Academic Appeal form, indicating the outcome(s) against which the student is appealing, the ground(s) on which the Appeal is based, and the student's desired action following consideration of the Appeal;
- ii. all documentary evidence available to the student in support of the case;
- iii. where relevant, a detailed explanation and documentary evidence if available as to why the student was previously unable to provide any new information now disclosed about the circumstances affecting her/his performance in accordance with the requirements of Regulation 15.3 (d).

**17.17** Where it is expected that consideration of a Stage 1 Academic Appeal will be completed after the start of the next stage of the programme, the Chair of the Board of Studies, in consultation with the Director of Academic Registry, will determine whether the student should be permitted to attend classes.

### **Consideration of an Academic Appeal**

**17.18** An Academic Appeal will be acknowledged in writing by the Chair. The Appeal will initially be considered by the Chair of the appropriate Board of Studies in consultation with the Head of the student's Department or, in the case of the School of Management, the relevant Associate Dean, or, in the case of the Natural Sciences programmes, the Head of Natural Sciences. The Chair has discretion to decide either a) that a *prima facie* case has been established such that an Appeal Hearing must be held or Executive Action taken, or b) that no *prima facie* case has been established with the consequence that no further action should be taken. To establish whether a case might be resolved through Executive Action, the Chair may consult with the Director of Studies and relevant internal examiners to assess the appropriateness of the student's desired action, or other possible actions, in the light of the circumstances, relevant regulations, and the student's academic profile.

**17.19** Stage 1 will be completed in a timely manner consistent with the Chair of the Board of Studies determining on the basis of the evidence provided by the student whether a *prima facie* case has been established. The Chair of the Board of Studies should reach a decision within thirty-five calendar days of receiving the Appeal. Where the conclusion of the Chair is that an Appeal Hearing should be held, the Chair will normally seek to communicate this decision to the student no more than twenty-eight calendar days after receipt of the request.

**17.20** Where the decision is that that no *prima facie* case has been established the student will be informed in writing in accordance with the timescales set out in Regulation 17.19 of the decision and of the student's right to submit a request to the Director of Academic Registry for a Review of the Academic Appeal outcome.

**17.21** Where the decision is that a *prima facie* case has been established and that Executive Action can be taken, the Chair of the Board of Studies will, following consultation where necessary with the Director of Studies and relevant internal examiners, inform the student in writing in accordance with the timescales set out in Regulation 17.19 of the proposed action to be taken. Where the relevant assessment regulations only permit action(s) other than the desired action indicated by the student, or where other permitted actions might be deemed to be in the student's best interests, the student will be invited to meet or correspond with the Chair about the available outcomes. The student may be accompanied by a friend or adviser. The aim of such discussion will be to resolve the Academic Appeal by timely and appropriate Executive Action. Where the decision relates to the conferment of an award, the Chair will consult by correspondence or meeting with appropriate members of the Board of Studies, and at least three members of the panel established in accordance with Regulation 17.9 not more than one of whom shall be from the student's academic Department or School. All Executive Action

decisions will be reported to the Board of Studies and Senate (via the minutes of the Board of Studies).

- 17.22** Where the decision is that a *prima facie* case has been established and that an Appeal Hearing will be held, the Board of Studies will normally delegate responsibility for the conduct and determination of Appeal Hearings to an Appeal Sub-Committee.

## **APPEAL HEARINGS**

### **Membership of the Board of Studies Appeal Sub-Committee**

- 17.23** Membership of a Faculty Board of Studies Appeal Sub-Committee will normally include:

- a) The Chair of the Board of Studies or alternate if necessary (Sub-Committee Chair);
- b) Two nominated members of the Board of Studies from a Department other than that of the student;
- c) Two members of the Appeal Hearing panel described in Regulation 17.9 from a Department other than that of the student.

- 17.24** Membership of the School of Management Board of Studies Appeal Sub-Committee and the Board of Studies (Doctoral) Appeal Sub-Committee will normally include:

- a) The Chair of the Board of Studies or alternate if necessary (Sub-Committee Chair, who should not have been the Chair of the Board of Examiners for Programmes that made the relevant recommendation to the Board of Studies);
- b) One nominated member of the Board of Studies;
- c) Three members of the Appeal Hearing panel described in Regulation 17.9.

- 17.25** No member, other than the Chair, should have had a previous involvement with the case. If the Chair of the Board of Studies has had substantial previous involvement with the case which could be perceived as a conflict of interest, he or she will appoint an alternate as Chair of the Board of Studies Appeal Sub-Committee. If the Appeal Hearing takes place at the request of the Director of Academic Registry in accordance with Regulation 17.40, the Director of Academic Registry will have sole discretion to determine whether the Chair of the Sub-Committee will be the Chair of the student's Board of Studies, or the Chair of another Board of Studies.

### **Convening an Appeal Hearing**

- 17.26** The student (and any friend or advisor specified in the original appeal application) should normally receive at least seven calendar days' written notice of the Appeal Hearing but, where it would be of benefit to the student, and the student is in agreement, the notification of an Appeal Hearing may be given at less than seven calendar days' notice

subject to any reasonable constraining factors including the availability of members of the Board of Studies Appeal Sub-Committee.

**17.27** The notification will inform the student of the time and place of the Hearing and of the student's right:

- a) to be present throughout the Appeal Hearing, other than for the Sub-Committee's discussion of the case;
- b) to be accompanied at the Hearing by one friend or adviser;
- c) to be represented at the Hearing in the student's absence by one friend or adviser;
- d) to make additional written statements, provided that these are submitted to the Chair of the Sub-Committee no later than three calendar days before the Hearing. Any written evidence submitted after this time will not be considered by the Sub-Committee.

**17.28** The notification will include any written evidence already received by the Chair from witnesses. It is the student's responsibility to provide copies of the notification and any such evidence to any friend or adviser not specified in the original appeal application.

### **Conduct of an Appeal Hearing**

**17.29** The Chair of the Board of Studies Appeal Sub-Committee will make an introductory statement in the presence of the student and any friend or adviser, or the student's representative, concerning procedural matters.

**17.30** The Board of Studies Appeal Sub-Committee will consider the written and oral evidence presented by the student and any friend or adviser, or by the student's representative, and may invite witnesses to give evidence. These witnesses will not have voting rights, and the Chair, in consultation with members of the Sub-Committee, will have discretion to decide at what point during the Hearing any witnesses will be invited to speak to the Hearing and at what point they will be asked to withdraw.

**17.31** The student and any friend or adviser, or the student's representative, and/or any witnesses will be given an opportunity to ask questions of, and to respond to questions from, the Board of Studies Appeal Sub-Committee. The student and any friend or adviser, or the student's representative, may then make a closing statement. The student and any friend or adviser, or the student's representative, and the witnesses will withdraw while the Sub-Committee discusses the case.

**17.32** All members of the Board of Studies Appeal Sub-Committee will have equal voting rights.

**17.33** If the student or representative fails to attend the Hearing, having had notice of the time and place, the Board of Studies Appeal Sub-Committee may base its review on the student's written submission and the other records of the University concerning the student during attendance at the University.

**17.34** Referral will be made to appropriate External Examiners where necessary.

### **Outcome of an Appeal Hearing**

**17.35** The outcome of the Board of Studies Appeal Sub-Committee's deliberations will normally be communicated to the student immediately after the Appeal Hearing and will be confirmed in writing within five working days.

**17.36** Where the outcome is that action should be taken, this will be implemented at the earliest opportunity in favour of the student. The decision of the Board of Studies Appeal Sub-Committee will be reported to the Board of Studies and noted in the minutes of the Board of Studies for report to Senate.

### **Record of an Appeal Hearing**

**17.37** The formal record of an Appeal Hearing should include a summary of the arguments put forward by all parties, a summary of the Board of Studies Appeal Sub-Committee's discussion including any counter arguments, and a record of the Sub-Committee's findings and decisions.

## **STAGE 2 (A): REVIEW OF A STAGE 1 OUTCOME WHERE NO PRIMA FACIE CASE WAS ESTABLISHED**

### **Requesting a Review**

**17.38** A request for a Review of an Academic Appeal outcome must meet the following five requirements:

- a) It must be submitted, in writing, to the Director of Academic Registry no more than fourteen calendar days after notification of the decision of the Chair of the Board of Studies. A request lodged after the fourteen day period shall be invalid unless the Director of Academic Registry, in her/his sole discretion, has agreed an extension of time.
- b) It must relate to a decision by the Chair of the Board of Studies, in response to an Academic Appeal, that no *prima facie* case had been established.
- c) It must not seek to challenge any decisions taken by the Board of Studies other than those cited in the Academic Appeal.
- d) It must not make reference to grounds other than those cited in the Academic Appeal, except for those arising from the student's dissatisfaction with the process or outcome of the consideration of the Appeal by the Chair of the Board of Studies.
- e) It must include:
  - i. a copy of all the material submitted to the Chair of the Board of Studies in the Academic Appeal, together with any further material or documentary evidence

which the student could not reasonably have been expected to present as part of the original submission;

- ii. a clear statement, supported by evidence, of the grounds of the student's dissatisfaction with the process or outcome of the consideration of the Appeal by the Chair of the Board of Studies.

### **Review by the Director of Academic Registry**

**17.39** The review should be completed within twenty-eight calendar days of receipt by the Director of Academic Registry of the request. The Director of Academic Registry will decide whether or not an Appeal Hearing should be held or whether the Chair of the Board of Studies should be asked to take Executive Action, and this decision will be final.

**17.40** The Director of Academic Registry will determine:

- a) that a *prima facie* case has been established such that an Appeal Hearing must be held or Executive Action taken in accordance with the procedures set out in Regulations 17.23–17.37 or 17.21 respectively; or
- b) that no *prima facie* case has been established with the consequence that no further action should be taken.

**17.41** Where it is the Director of Academic Registry's decision that there are no grounds for holding an Appeal Hearing or taking Executive Action, a letter of completion of internal procedures will be issued. A student who is of the opinion that the case is unresolved may apply to the Office of the Independent Adjudicator. *The student apprentice may also refer the matter to the Education and Skills Funding Agency (ESFA).*

### **STAGE 2 (B): REVIEW OF A STAGE 1 OUTCOME WHERE A PRIMA FACIE CASE WAS ESTABLISHED**

#### **Requesting consideration by a Student Academic Appeals Committee**

**17.42** A student who disagrees with the outcome of an Appeal Hearing or Executive Action and wishes further evidence or procedural irregularities to be considered may ask the Secretary to Senate to convene a Student Academic Appeals Committee to consider the case.

**17.43** Such a request must meet the following four requirements:

- a) It must be submitted, in writing, to the Secretary to Senate no more than fourteen calendar days after notification of the decision of the Appeal Sub-Committee, or Chair of the Board of Studies in the case of Executive Action. A request lodged after the fourteen day period shall be invalid unless the Secretary to Senate, in her/his sole discretion, has agreed an extension of time.
- b) It must relate to the decision reached in the Appeal Hearing/Executive Action.

- c) It must not make reference to grounds other than those cited in the Academic Appeal, except for those arising from the student's dissatisfaction with the procedures or outcome of the Appeal Hearing/Executive Action.
- d) It must include a clear statement of the grounds and a brief description of any new evidence.

### **Consideration by the Secretary to Senate**

**17.44** The Secretary to Senate will determine whether (in accordance with Statute 19.43) a Student Academic Appeals Committee should be convened. This decision will normally be notified to the student within twenty-eight calendar days of receipt by the Secretary to Senate of the request. The Secretary to Senate's decision concerning the need to convene a Student Academic Appeals Committee will be final.

**17.45** Where it is the Secretary to Senate's decision that there are not grounds for a Student Academic Appeals Committee to be convened, a letter of completion of internal procedures will be issued. A student who is of the opinion that the case is unresolved may apply to the Office of the Independent Adjudicator.

### **Hearing by a Student Academic Appeals Committee**

**17.46** The procedures and timescales governing the Hearing by a Student Academic Appeals Committee are set out in the Standing Orders of Senate (see: <https://www.bath.ac.uk/corporate-information/standing-orders-of-senate/>). Where a Student Academic Appeals Committee has been convened, its decision will be deemed to be final, except where it adjudicates that a student's degree classification should be altered, in which case this would form a recommendation to Senate for approval. In all cases, the decision of the Student Academic Appeals Committee will be reported to Senate. A letter of completion of internal procedures will be issued when the decision has been taken by the Student Academic Appeals Committee/Senate. A student who is of the opinion that the case is unresolved may apply to the Office of the Independent Adjudicator *or to the Education and Skills Funding Agency*.

## **MONITORING ACADEMIC APPEALS AND REVIEWS**

An annual report of the number of Academic Appeals for each Faculty/School will be made to the relevant Board of Studies. An annual report of the number of Academic Appeals and Reviews will be made to the Council/Senate Students' Union Committee and to Senate.

(Further guidance regarding the University's Student Academic Appeals and Reviews Procedure is available at: <https://www.bath.ac.uk/guides/appealing-against-an-academic-decision/> )

*Amendments to these Regulations are approved by Senate. Any such amendments are identified above and will take effect from the date shown.*

*Date of Last Update: 25 September 2020*

## **18. FREEDOM OF EXPRESSION**

*This Code of Practice describes the framework within which staff and students of the University and visitors enjoy the right to freedom of expression.*

### **Policy statement**

- 18.1** As an institution of higher education, which values academic freedom, the University is committed to promoting and positively encouraging free debate and enquiry. This means that it accommodates a wide range of views, political as well as academic, even when they are unpopular, controversial or provocative.
- 18.2** In any event, the University has an explicit duty in law<sup>1</sup> to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students, employees and visiting speakers. This duty includes a responsibility to ensure that the use of University premises is not denied to any individual or group on the grounds of the belief or views of that individual or any member of that group or on the grounds of the policy or objectives of the group. The University is, however, under no legal obligation to allow meetings to be open to members of the public.
- 18.3** This does not mean that the right to freedom of expression is unfettered. It is limited, for example, by laws to protect national security and public safety, for the prevention of disorder or crime, for the protection of the reputation or rights of others, and to prevent the disclosure of information received in confidence. A speaker from an organisation proscribed by law would therefore not be allowed. A significant strand in the regulatory framework is the duty (under the Race Relations (Amendment) Act 2000) to promote good relations between persons of different racial groups.
- 18.4** The Counter-Terrorism and Security Act 2015 also imposes a duty on the University to have due regard to the need to prevent people from being drawn into terrorism. This Code of Practice fulfils the requirement in the Prevent Duty for Universities to have policies and procedures in place for the management of events on Campus and use of the University's premises.
- 18.5** Freedom of expression also has to be set in the context of the University's values, and the values of a civilised, democratic, inclusive society. The University expects speakers and those taking part in protest activities to respect those values, to be sensitive to the diversity of its inclusive community, and to show respect to all sections of that community. These precepts include the way in which views are expressed and the form of any protest activities.
- 18.6** In considering whether or not to permit its premises to be used for a particular event, the University has to consider:-
- whether the views or ideas to be put forward (or the manner of their expression)
    - ~ infringe the rights of others, or
    - ~ discriminate against them, or

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<sup>1</sup> Under the Education (N° 2) Act 1986

- ~ constitute views that risk drawing people into terrorism or are shared by terrorist groups. For the avoidance of doubt, the definition of terrorism above is that as set out in the Terrorism Act 2000 (or as subsequently amended).
- whether the activity in question
  - ~ constitutes a criminal offence
  - ~ constitutes a threat to public order or to the health and safety of individuals
  - ~ incites others to commit criminal acts, or
  - ~ is contrary to the civil and human rights of individuals.
- Whether adequate arrangements can be made to safeguard the safety of participants in the event, and other people within the vicinity, and to ensure that public order is maintained.

### **Authority**

- 8.12** The Council authorises the Deputy Vice-Chancellor to act on its behalf to ensure as far as is reasonably practicable that all staff and students of the University, and all visiting speakers, comply with the provisions of this Code.

### **Procedure**

#### *Meetings*

- 8.13** Those booking rooms in the University are taken to have read and agreed to abide by the provisions of this Code of Practice. In addition, they are required to designate a ‘Principal Organiser’, who must be a member of staff or student of the University and who will be responsible for ensuring that the organisers comply with the obligations placed upon them by or under this Code of Practice. The Principal Organiser shall ensure that appropriate information is provided on the booking form about the nature and topic of the meeting.
- 8.14** The Principal Organiser is required to notify the Deputy Vice-Chancellor – as far as possible in advance of the meeting, and in any case at least two weeks before it – for any meeting to be held on the University campus if the subject matter of the meeting is or might reasonably be construed as ‘controversial’ (a ‘controversial’ meeting in this context being taken as a speaker who might reasonably be construed as having the potential to occasion protest from, or give offence to, any section of the University or wider community, or constitute extremist views, or any speaker from a political party).
- 8.15** The Principal Organiser shall on request provide the Deputy Vice-Chancellor with such information as the latter may require – including in particular the name of the principal speaker or speakers at the meeting, the theme(s) of the speech(es), the grounds for notification under section 9 and the extent to which the speaker’s past history suggests that they might infringe one of the criteria set out in paragraph 6 above, the name and experience of the person who will chair the meeting, the subject of the address or addresses, the names and experience of any stewards and other logistical information.
- 8.16** The Deputy Vice-Chancellor shall grant or withhold permission for the use of University premises (including, as appropriate, space used by the Students’ Union or Chaplaincy) for the meeting proposed. Permission will only normally be withheld on the grounds indicated in 6 above, or if the Principal Organiser cannot or will not ensure compliance with any conditions set by the Deputy Vice-Chancellor. Such conditions may include

requirements

- (a) that tickets be issued and/or restricting the number of persons attending;
- (b) that an adequate number of stewards be available, in addition to any University security staff that the Deputy Vice-Chancellor may feel should be present, to maintain safety and order;
- (c) as to the venue for the meeting and/or restricting banners or placards;
- (d) as to the admission or exclusion of press, television or broadcasting personnel, and, subject to licensing law, the sale or consumption of alcohol within the premises;
- (e) as to the arrangements for chairing the meeting, and as to the circumstances in which the meeting may or must be terminated prematurely;
- (f) that a speaker be balanced by one or more speakers with opposing views;
- (g) that the designated meeting or activity be restricted to staff and students of the University;
- (h) that University staff be responsible for all security arrangements connected with the meeting.

**8.17** It shall in all cases be open to the Deputy Vice-Chancellor to invite the Police to be present at any meeting on University premises. It shall also be open to the Deputy Vice-Chancellor to withdraw permission for a meeting if, having originally granted permission, he or she judges that the meeting will not in fact conform to University policy (as outlined in 6 above) or that safety or public order cannot be guaranteed or if the Principal Organiser cannot or will not ensure compliance with any conditions set by the Deputy Vice-Chancellor.

**8.18** Premises used for meetings must be left in clean and tidy condition, in default of which the organisers may be charged for any additional cleaning and repairs that are subsequently required. Payment in advance or evidence of ability to pay towards these costs may be required. The University reserves the right to re-charge the organisers of any meeting for any extraordinary expenditure it incurs as a result of that meeting.

*Protests and demonstrations*

**8.19** Those arranging protests or demonstrations on University premises (whether in relation to a meeting covered by this Code or on any other matter) are taken to have read and agreed to abide by the provisions of this Code. They are also required to designate a 'Principal Organiser', who will be a student or member of staff, who will be responsible for ensuring that the organisers comply with the obligations placed upon them by or under this Code of Practice.

**8.20** As long as is reasonably practicable in advance of the event in question, the Principal Organiser shall ensure that appropriate information is provided to the Deputy Vice-Chancellor, normally through Security Services, about the nature and theme of the event. Wherever possible, this information shall be provided at least a week before the event. The Principal Organiser shall on request provide the Deputy Vice-Chancellor with such information as the latter may require.

**8.21** The Deputy Vice-Chancellor shall grant or withhold permission for the use of University premises for the meeting proposed. Permission will normally be withheld only on the grounds indicated above, or if the Principal Organiser cannot or will not ensure

compliance with any conditions set by the Deputy Vice-Chancellor.

### **Appeals**

- 8.22** Appeals against the rulings of the Deputy Vice-Chancellor may be made to the Vice-Chancellor, whose decision shall be final.

### **Infringements**

- 8.23** The Deputy Vice-Chancellor shall report to the Council on the circumstances of any significant infringements of, and departures from, the provisions of this Code. Any such infringements or departures, in whatever respect, may render those responsible liable to disciplinary action under the University's disciplinary procedures.

*Amendments to these Regulations are approved by Senate. Any such amendments are identified above and will take effect from the date shown.*

*Date of Last Update: 1 March 2022*

## UNIVERSITY OF BATH

### STUDENT COMPLAINTS POLICY AND PROCEDURE

#### 1 Introduction

1.1 The University welcomes feedback in respect of the services it provides, and believes that students are entitled to have access to effective systems for handling complaints to ensure the University provides the highest possible academic and service standards. Students should feel able to make a complaint, knowing that it will be fairly investigated.

1.2 Detailed below is the three stage process the University has adopted for dealing with students' complaints, which is intended to provide a clear means of resolution to the satisfaction of all parties.

#### 2 Definitions and scope

2.1 The University defines a student complaint as an expression of dissatisfaction levelled by a student against a service or facility of the University. For the purpose of this procedure a student is defined as an applicant who has been accepted to study at the University, a student registered for an award of the University, or an alumni who has been registered with the University within the last four months.

2.1.1 Examples of what can be complained about under this policy include the following:

- An academic or other University service
- Information about academic or other University service
- Teaching or supervision
- Facilities

2.1.2 Issues covered by other specific procedures will not be dealt with under this policy. For example:

- Academic Appeals and Reviews, the procedures for which can be found in Section 17 of the Student Regulations.
- Complaints relating to services provided by the Students' Union, which should be pursued with the Student's Union in the first instance.
- Complaints relating to franchise, validated or partner institution provision, should the Institutional Agreement allow, will be dealt with according to the franchise, validated or partner institution's procedures, unless they relate to a University service. Where the complaint is not resolved at this level the student may request a review by the Director of Policy, Planning and Compliance, under Stage 3 of these procedures.
- Complaints relating to University accommodation, which should be submitted under the Accommodation Services' own complaints procedure. Where the complaint is not resolved at this level the student may request a review by the Director of Policy,

- Planning and Compliance (or nominee) under Stage 3 of these procedures.
- Complaints relating to the service provided by Westwood Nursery, which has its own complaints procedure.
  - ***Complaints relating directly to a student apprentice's Employer should normally follow their Employer's complaints process.***
- 2.2 Complaints about any form of discrimination, bullying, harassment or victimisation will be dealt with as follows:
- 2.2.1 Informal complaints made about the behaviour of a student will be managed under the informal stage of the University's Dignity and Respect Policy and Procedure.
- 2.2.2 Formal complaints made about the behaviour of a student will be managed under Regulation 8, the Student Discipline Procedures, following the principles of the Dignity and Respect Policy and Procedure.
- 2.2.3 Informal complaints made about the behaviour of a member of staff will be managed under the informal stage of the University's Dignity and Respect Policy and Procedure.
- 2.2.4 Formal complaints made about the behaviour of a member of staff will be managed under the Staff Disciplinary Policy (or Statute 25 Part III for academic or other specified staff), following the principles set out in the University's Dignity and Respect Policy and Procedure.
- 2.2.5 The Dignity and Respect Policy and Procedure can be found at:  
<https://www.bath.ac.uk/publications/the-dignity-respect-policy/>

### **3 General Principles of Student Complaints**

- 3.1 The University seeks to minimise student complaints by ensuring that students have opportunities to participate in all the appropriate formal decision-making processes of the institution through representation on committees at programme, departmental, faculty and institutional levels. The University is committed to the continuing review and improvement of its provision and seeks regular feedback from students through Staff/Student Liaison Committees, evaluation questionnaires and user groups. The University is also committed to providing an environment within which students are encouraged to raise any matters of concern in an informal manner (see paragraph 4.2) as soon as they arise. This often removes the need for formal complaints.
- 3.2 Students are encouraged to raise a concern or complaint as soon as possible after the event has taken place, and normally no later than four months from the date the initial issue or event occurred, to enable the matter to be addressed in a timely manner.
- 3.3 A group of students may use this procedure to make a collective complaint, provided that one student identifies themselves as the main contact for purposes of communication.
- 3.4 The University recognises that making a complaint can be stressful. Students are therefore advised to seek advice and support before making a complaint from Student Services or from the Students' Union Advice and Support Centre. If you are raising a concern about a service you have received from the University, Student Services can also arrange mediation to help you to resolve the issues, where mediation is appropriate.
- 3.5 Research Postgraduates who have a complaint in respect of an academic matter may

approach the University Independent Advisor for Postgraduate Research Students for support and guidance. Further details can be found in the Postgraduate Guide: <https://www.bath.ac.uk/guides/doctoral-representation/> . For non-academic matters, Research Postgraduates are encouraged to contact the SU Advice and Support Centre, or Student Services for advice and support.

- 3.6 As far as possible, matters raised as a complaint will remain confidential to those directly involved in investigating the complaint, providing a response to it and communicating with the student, unless there is a serious risk of harm to the student or to others. However, in the interests of natural justice, parties to a complaint have the right to know the full details of the complaint or, in exceptional circumstances, only those details which need to be shared to enable a proper response to be made.
- 3.7 In order to ensure that a thorough investigation of a complaint is made, the University expects to be able to collect appropriate information from all the parties involved. Anonymous complaints will therefore not be accepted. There are other routes (such as the Students' Union or Staff/Student Liaison Committees) where a concern can be raised anonymously if required.
- 3.8 Those investigating or adjudicating upon a complaint at any stage of the procedure will do so impartially. Anyone with a material personal interest in the complaint will neither investigate nor adjudicate.
- 3.9 Where a deficiency in provision or process is acknowledged, a complaint may be addressed by offering an apology or an acceptable explanation for the deficiency, by undertaking to implement future improvement, or by a mutually acceptable course of action to address the individual circumstances of the case.
- 3.10 If the complaint affects a service that the Head of Department / Service has directly provided, advice should be sought from the Director of Policy, Planning and Compliance (or nominee) regarding to whom the complaint should be submitted. If the complaint directly affects the Director of Policy, Planning and Compliance (or nominee), the role of the Director of Policy, Planning and Compliance at Stage 3 would be taken by a Pro-Vice-Chancellor.
- 3.11 Students will not be disadvantaged as a result of raising a matter of concern or of making a complaint, provided it is made in good faith. Where a complaint is shown to be vexatious, the complaint shall be rejected and disciplinary action may be taken.
- 3.12 If the student raising the complaint is currently registered as a student at the University of Bath, The University will use a student's University email account to communicate with them throughout this process. If the student raising the complaint has not yet registered, or is within four month of their last date of registration, the Student Casework and Compliance Manager will agree with that student the best contact details to use for the purposes of communication.
- 3.13 *Where a complaint may affect the planned end date for an apprenticeship, or identify issues or barriers to successful completion, the University will inform the student apprentice's employer, working quickly to implement any required actions.***

## **4 Complaints Procedure**

4.1 The three stage complaints procedure is as follows:

### **Stage 1 - Informal Complaint**

4.2 It is expected that most complaints can be resolved at an early stage by discussing the matter informally at a local level. A student should therefore bring the matter to the attention of an appropriate member of staff, who will aim to resolve the matter by informal discussion.

For example, if the complaint concerns academic matters, a student might wish to take this up with their Personal Tutor / Research Supervisor / Director of Studies, or with another member of academic staff. If the complaint is about a University service, then the student should talk to an appropriate member of staff from that service. If there is any doubt regarding who to contact, or if the student feels it is more appropriate, the Head of Department or Service should be contacted.

4.3 Recipients of informal student complaints are responsible for addressing them promptly and fairly. The recipient will normally let the student know (or arrange for a colleague to do so) within five working days of receiving the initial complaint what steps (if any) will be taken to address the complaint and the expected timescale, and advise to whom they should submit a formal complaint if they are dissatisfied with this outcome.

4.4 It should be noted that this stage will normally be an informal oral process (or via email if face to face contact is not possible), but where proportionate to do so any agreed action should be confirmed (normally by email).

4.5 Any staff involved will be encouraged to share the experience where the effectiveness of their Department or Service could benefit. It is expected that the majority of complaints will be resolved in this way.

### **Stage 2 – Formal Complaint**

4.6 If a student has attempted to resolve matters informally but is not satisfied with the outcome, they may elect to proceed to the next stage by submitting a formal complaint within fourteen calendar days of receiving the outcome of their informal complaint. A student may also submit a formal complaint if the issue involved is too complex or serious for informal resolution. At this point, students may wish to seek advice from Student Services, the Students' Union or the University Independent Advisor for Postgraduate Research Students on how best to progress their complaint. The student should submit their complaint by means of a Student Complaint Form to [student-complaints@bath.ac.uk](mailto:student-complaints@bath.ac.uk). Please copy in the Head of the Department or Service concerned if known. The [student-complaints@bath.ac.uk](mailto:student-complaints@bath.ac.uk) email address is monitored by the Student Casework and Compliance Manager.

4.7 The student should keep a copy of their complaint and any other documentation submitted for their own records.

4.8 The student should receive an acknowledgement of receipt of their complaint, from the Student Casework and Compliance Manager (or nominee), within five working days of receipt. The Student Casework and Compliance Manager (or nominee) will also notify the Director of Academic Registry and Director of Student Services of the complaint. The

Director of Academic Registry and / or the Director of Student Services may at this point contact the relevant Head of Department or Service should they feel it would be appropriate for them to become involved in the investigation of the complaint. In any event, the Head of Department or Service is free to consult either post holder if they consider it appropriate.

- 4.9 The complaint will be investigated by the Head of Department or Service concerned (or their nominee) or by a nominee of the Director of Policy, Planning and Compliance if the Head of Department has had involvement in the matters complained about. They will normally arrange to meet with the student to discuss their complaint in detail.
- 4.10 At this meeting the student will have the right to be accompanied by a friend or advisor as will any other parties to the complaint. Where a member of staff is party to the complaint, they can be accompanied by a work colleague or Trade Union representative. Other parties to the complaint may also be invited to attend the meeting, or may meet separately, at the discretion of the person investigating the complaint as is appropriate to the nature of the complaint.
- 4.11 If a student fails to attend the meeting (which could be by video or telephone call if both parties are not present at the University), the Department will contact them to reschedule. If a student fails to attend a rescheduled meeting within fourteen days of the original meeting date, the investigation may continue and be concluded in their absence.
- 4.12 The meeting will follow this format:
- The student will be asked to explain their complaint and present any supporting evidence, with the assistance of their representative as necessary, following which they may be asked questions by the Head of Department / Service (or their nominee), and by any other parties to the complaint present;
  - If present, other parties to the complaint will then respond to the complaint, with the assistance of their companion(s) as necessary, following which they may also be asked questions by the Head of Department / Service (or their nominee) and the complainant. If not present, the Head of Department / Service (or their nominee) will make any necessary enquiries.
- 4.13 The staff member who carried out the investigation will produce a report which outlines the process followed, the information gathered, the conclusions drawn and any recommendations. The student or their representative should receive copies of the information considered and a copy of the investigation report.
- 4.14 The student should receive this written response within sixty calendar days following both a submission of a student complaint form and confirmation by the complainant that they wish a formal investigation to begin. If this is not possible, the student will be informed in writing of the progress being made towards the consideration of their complaint and given a timescale for completion. In either event, the Director of Student Services, the Director of Academic Registry and [student-complaints@bath.ac.uk](mailto:student-complaints@bath.ac.uk) should receive a copy of the correspondence.
- 4.15 If the complaint is considered justified, the student will be informed of the action taken to resolve or redress the complaint. If the complaint is not upheld, then the student will receive an explanation of the reason for this decision.

### **Stage 3 - Review by the Director of Policy, Planning and Compliance (or nominee)**

4.16 If the student is not satisfied with the decision taken in respect of their complaint under Stage 2 above, they may request that a review of the case be carried out by the Director of Policy, Planning and Compliance or nominee. Such a request should be by submitting a Request for Review form to [student-complaints@bath.ac.uk](mailto:student-complaints@bath.ac.uk) within fourteen calendar days of the student being notified of the outcome of Stage 2. The request should state the grounds for review, which should meet one of the following criteria:

- That there was procedural error in the conduct of the investigation of such a nature as to cause doubt as to the determination reached;
- That new evidence has been made available which the student could not reasonably have provided during the investigatory process;
- That there was bias during the procedure of such a nature as to cause doubt as to the determination reached;

4.17 If the Director of Policy, Planning and Compliance or nominee is satisfied that a review is justified, he / she will have discretion to either:

- Make a judgement on the complaint based on the written evidence; or
- Establish a Review Panel to examine the evidence and come to a judgement on the complaint. The Review Panel will normally comprise one lay member of Council and two members of staff chosen by the Director of Policy, Planning and Compliance or nominee, of which he / she may be one. All members of the Review Panel will have had no previous association with the case.

4.18 When undertaking a review, the Director of Policy, Planning and Compliance (or nominee) or the Review Panel has the power to overturn any decision made under Stage 2 of this procedure.

4.19 If a Review Panel is established, the student will have the right to attend a meeting to explain their complaint and be accompanied at this meeting by one person (for instance, a representative of the Students' Union) as will any other parties to the complaint. Those accompanying shall not normally be professional legal representatives, and in the case of members of staff, will either be a work colleague or Trade Union representative. Other parties to the complaint, and / or their companion, may also be invited to attend the meeting on the same basis at the discretion of the Director of Policy, Planning and Compliance (or nominee).

4.20 Students will be notified of this meeting in writing, and this notification will include:

- the date of the meeting and an explanation of what the student needs to do if they cannot attend on that date, or does not wish to attend
- the names of the panel members and their job titles
- the names of anyone else attending the meeting and what their role will be
- an outline of how the meeting will proceed
- copies of relevant documents

4.21 Meetings of the Review Panel will follow this format:

- The Student will be asked to explain their complaint and present any supporting evidence, with the assistance of their companion as necessary, following which they may be asked questions by the Panel, and by any other parties to the complaint;
- The other parties to the complaint will then respond to the complaint, with the assistance of their companion as necessary, following which they may also be asked questions by the Panel and the complainant.
- Both parties will be asked to sum up, following which the Review Panel will come to a judgement on the complaint.

4.22 If the Director of Policy, Planning and Compliance (or nominee) makes a judgement on the complaint based on the evidence already in his/her possession, or if a Review Panel is convened, the student will be notified of the outcome in writing normally within thirty calendar days of submitting a request for review. If the complaint is upheld the student will be informed of any action to be taken to resolve the matter. If the complaint is not upheld, the student will be informed of the reason for this decision, and the University will also issue a Completion of Procedures letter to the student stating that the University's internal complaints procedures have been exhausted.

4.23 If the student does not submit a request for review within the 14-day timeframe, they will be issued with a Completion of Procedures letter within 28 days.

## **5 Office of the Independent Adjudicator for Higher Education (OIA) and the Education and Skills Funding Agency (ESFA)**

5.1 If the University's internal procedure has not resulted in the resolution of a complaint to the student's satisfaction, they have the option to pursue it with the Office of the Independent Adjudicator for Higher Education (OIA). Where a case is considered eligible, the OIA will provide independent adjudication on the resolution of complaints, once the institution's internal procedures have been exhausted. The Students' Union's Advice and Support Centre can advise on this external review process. The OIA website can be found at: <http://www.oiahe.org.uk>.

5.2 *Student apprentices may also approach the ESFA for advice or to consider a complaint via the National Apprenticeship Helpline. (Email: [nationalhelpdesk@apprenticeships.gov.uk](mailto:nationalhelpdesk@apprenticeships.gov.uk), tel: 0800 015 0400.) The ESFA will normally not consider a complaint until the exhaustion of the University's own procedure.*

## **6 Monitoring**

6.1 Heads of Department / Service will keep a record of all formal student complaints received, decisions made and resulting outcomes.

6.2 Boards of Studies will receive an annual summary of the formal complaints submitted within their Faculty / School so that experiences can be shared, and where appropriate changes to procedure / practice made to ensure the University meets the highest possible standards. This information will then be forwarded to

the Department of Policy, Planning and Compliance.

- 6.3 Professional Service Heads of Department / Service should consider an annual meeting to review all complaints received in order to identify common themes and improve the service offer. Professional Service Heads of Department / Service will supply an annual return direct to the Department of Policy, Planning and Compliance.
- 6.4 An annual report summarising all formal student complaints received by the University shall be submitted to the Council / Senate / Students' Union Committee for consideration and reported to Senate and Council.
- 6.5 The details of those students raising complaints will be checked against information held centrally by the University to enable equality monitoring to take place.
- 6.6 Any issues highlighted through the complaints process will be noted and referred to the relevant manager in order to improve the student experience.
- 6.7 The effectiveness of these procedures will be reviewed and if necessary updated on a regular basis.

## **7 Further Enquiries**

- 7.1 If you have any queries in respect of the Student Complaints Procedure, please contact Department of Policy, Planning and Compliance (Email: [student-complaints@bath.ac.uk](mailto:student-complaints@bath.ac.uk) , telephone: 01225 385464).

## **8 Alternative Formats**

- 8.1 If you require this policy in an alternative format please contact the Department of Policy, Planning and Compliance. (Email: [student-complaints@bath.ac.uk](mailto:student-complaints@bath.ac.uk) , telephone: 01225 385464). Students who wish to submit a complaint and require documents in alternative formats should indicate this when making the complaint.

Amendments to these Regulations are approved by Senate. Any such amendments are identified above and will take effect from the date shown.

Owner	Professor Peter Lambert, Pro-Vice-Chancellor (Learning & Teaching)
Version number	
Approval Date	25 September 2019
Approved By	Vice-Chancellor on behalf of Senate
Date of last review	25 September 2019
Linked Policies	Dignity and Respect Policy and Procedure

*Date of Last Update: 6 October 2021*

### UNIVERSITY OF BATH FITNESS TO STUDY POLICY

#### 1. Introduction:

1.1 Whilst at University, all students should be able to study and perform to the best of their ability in a safe and comfortable environment. The reality of university life means that students not only work but also often live near each other, and whilst many students find studying and living in such an environment easy and enjoyable, others can find it more challenging.

1.2 The purpose of this policy is to outline the actions the University can take when there is a concern over a student's fitness to study.

1.3 The term 'fitness to study' as used in this policy relates to the entire student experience, and not just a student's ability to engage with their studies. For example, unless it is informed otherwise, the University expects its students to be able to live independently (or be using appropriate personal support assistance to enable them to do so), in harmony with others, and conduct themselves in a way which does not have an adverse impact on those around them.

1.4 As a general rule, this policy is only intended for use in cases in which the behaviour, disruption, or risk, or perceived or potential risk presented by the student to themselves or others is of a serious or critical nature. Where possible, any concerns should be discussed with the student and support services made available to them prior to taking any formal action. This will normally include a discussion about whether a Support to Study plan or Disability Access Plan may be appropriate.

#### Interaction with other policies:

1.5 This policy is not designed to address issues of misconduct raised under [Student Regulation 7 – Disciplinary Regulations for Students](#). These issues will normally be dealt with under the [Student Regulation 8 – Discipline Procedures for Students](#). If there is a question about whether the Disciplinary process or the Fitness to Study process would be most appropriate for a given circumstance, this decision will be made by the Pro Vice Chancellor for Student Experience with appropriate advice, for example from the Head of Student Policy and Safeguarding, the Director of Student Services and/or the Senior Case Manager.

1.6 This policy is not designed to address academic performance issues, which should be dealt with under the normal assessment procedures, nor issues relating to attendance, which would be dealt with under [Student Regulation 3](#).

1.7 This policy is not designed to address individual mitigating circumstances, which would be dealt with under the [Individual mitigating Circumstances Procedures](#).

1.8 There are several regulated programmes at the University of Bath. We are required by the regulators of these programmes to have in place Fitness to Practice procedures. These programmes include Pharmacy, Social Work and Clinical Psychology. For students on these courses any outcome of Fitness to Study processes will be shared with the student's Head of Department for consideration under the Fitness to Practice policy. This may lead to further action being taken under this policy.

## 2. Purpose and Scope

2.1 The Fitness to Study Policy involves a risk assessment-based approach. The level of risk, or perceived or potential risk, posed by a student to themselves, other individuals and/or the institution will be measured throughout the process. The risk assessment and fact-finding process will be initiated by the Senior Case Manager (or nominee). The student will be invited and encouraged to take part in this risk assessment process. The risk assessments will endeavour to determine the following matters:

- the nature, extent, and prognosis of any condition and whether the student will be receiving any ongoing treatment or support,
- the extent to which said condition may affect their fitness to study and/or manage the demands of student life,
- the extent to which said condition may be deemed to pose a risk to the student or to others,
- the extent to which said condition may pose a risk to the institution,
- whether any additional steps should be taken by the University considering any condition to support the student to study effectively.

This may be informed by:

- the student (the Senior Case Manager will invite the student to meet with them as part of the risk assessment process, wherever this is possible),
- and/or an assessment of the student's fitness to study carried out by a University of Bath Mental Health Advisor (if the student's fitness to study is related to a mental health difficulty),
- reports from other medical or care professionals as appropriate, for physical or mental health conditions.
  - The student may be asked to consent to the sharing of relevant information from external health professionals. Should the student withhold consent to sharing this information, the University may proceed to implement this policy based on the information already in its possession.
  - The student may be asked to attend medical assessments reasonably required by the University, with a medical professional appointed by the University, at any stage of this policy. The University will normally cover the cost of this assessment. Should the student not agree to attending a medical assessment, the University may proceed to implement this policy based on the information already in its possession.
- close collaboration and information-sharing with professional services and academic department staff, who may play a key role in identifying specific evidence to underpin any concerns and outlining any support mechanisms or reasonable adjustments that have been put in place for the student to date.

- other reporting parties who could provide valuable information including, but not limited to, Security colleagues, Student Services colleagues, Student Living colleagues, flatmates or peers, and placement providers.

2.2 In the circumstance of a student becoming incapacitated:

- as determined by a medical professional, or
- in circumstances where the University, on receipt of appropriate advice, deems the student to lack mental capacity or the ability to make sound and rational decisions for themselves

a Stage 2 panel (see section 7) will be convened, to decide on the best course of action to take for the student. Where possible and appropriate, and in line with the Student Emergency Contact Protocol, this decision will be made in discussion with the student's emergency contact. If or when the student regains capacity, a Stage 2 panel meeting will be held with the student to determine their fitness to return to study and any additional support that they may need.

### **3. Student wellbeing**

3.1 Staff with concerns about a student's wellbeing should consult with Student Services using the Staff Advice line 4321. Colleagues can also access guidance on supporting students here: [Student Services advice for staff \(bath.ac.uk\)](http://bath.ac.uk/student-services/advice-for-staff)

3.2 It is possible that a student may pose such an extreme risk, or perceived risk, to themselves and / or others that they require emergency assistance outside of these procedures. In such cases staff should refer to the following: [Supporting Students in Distress](#). In such cases, the University may also consider taking precautionary measures to protect the students and others (see Section 11 – precautionary measures).

### **4. Initial Support and Guidance to Students**

4.1 Students are encouraged to consult all relevant support services available to them, and in particular their medical practitioner, [Student Services](#) or [The SU Advice and Support Centre](#) . All students are encouraged to disclose mental or physical health conditions or any other difficulty they are facing to their Personal Tutor, Doctoral Supervisor, Director of Studies, another appropriate member of staff in their academic department or to a colleague in Student Services, to ensure that appropriate support is in place and the academic staff are fully aware of the student's situation.

The University will support any student who is struggling with their studies or with University life in general. This may be done through the following channels:

- the Wellbeing Service,
- a student's Personal Tutor or Doctoral Supervisor,
- the SU Advice and Community Centre, and/or
- the Mental Health and/or Counselling service.

As well as listening to the student and offering advice, these services may put in place a Support to Study plan. This is a plan that outlines the actions that the student and the University commit

to, to support the student to continue with their studies. The student will continue to meet with their personal tutor, doctoral supervisor or support service and review these actions and their impact over an appropriate period. For most students, this level of support will help them to get back on track with their studies. For students who require further support, or whose fitness to study is brought into question, they may enter the Fitness to Study process.

## **5. Circumstances Under which a Student's Fitness to Study May Be Brought into Question**

5.1 A student's fitness to study may be questioned if support is or has been insufficient to meet the student's needs and:

- health problems are believed to be significantly impacting their own studies or the studies of others,
- health problems are believed to be impacting or significantly impacting their student life or the lives of other students,
- health problems resulting in requirements exceeding those that can be provided for by reasonable adjustments, or
- the University is obliged to act if a student presents a serious or potentially serious risk to themselves or to others under its duty of care to its community or under health and safety legislation.

5.2 Concerns may be raised about a student's fitness to study through several avenues. These include, but are not limited to:

- a student's behaviour is compromised or impaired and it appears likely that this is the result of an underlying physical or mental health problem,
- the student has told a member of the university that they have a problem and/or provided information which indicates that there may be a need to address their fitness to study,
- concerns are raised by the student themselves, a staff member, a fellow student or a third party (i.e., housemate, friend, colleague, placement provider, member of the public, medical professional, family member, etc.) which indicate there is a need to address their fitness to study.

5.3 Any such concerns should be raised with the Student Casework Manager who will initially notify the Director of Student Services and the Student's Director of Studies so that any necessary support can be provided

5.4 Once a question of the student's fitness to study has been raised, the following decisions need to be made:

- 1) whether to simply offer the student additional support outside of the Fitness to Study process (at least in the first instance) or whether to initiate the Fitness to Study process, and

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- 2) if initiated, whether the case should be considered at Stage 1 or Stage 2 of the Fitness to Study policy.

This decision will be made by the Head of Student Policy and Safeguarding using the Fitness to Study Criteria document, with advice from the Senior Case Manager and the Student Casework Manager.

## **6. Stage 1**

6.1 If a student's fitness to study is being considered under Stage 1 of this process, the following procedure will apply.

6.2 Prior to the Stage 1 panel meeting and using the information available to them (see section 2.2), the Senior Case Manager will complete a risk assessment of the student's circumstances.

6.3 The Student Casework Manager will set a date for a formal meeting of the Stage 1 panel, within a maximum of one month from the concern being raised, to hear the case and invite the student to attend to discuss the concerns and all relevant issues. The Student Casework Manager will act as Secretary to the Panel.

6.4 The student will be given at least 7 calendar days' notice of the Stage 1 panel meeting and informed of the purpose of the meeting. They will also be provided with the risk assessment and any other documents which will be considered by the panel (unless there are exceptional circumstances where it is believed that this may lead to increased risk) and asked to provide any documentation they may wish the panel to consider in good time for the meeting. They will be notified of who will be on the panel and to the support they can access.

6.5 A meeting of the Stage 1 panel will be organised by the Student Casework Manager. The student will be invited to attend and may be accompanied at the meeting by a Students' Union representative, a friend, family member or advisor. In addition, disabled students may also be accompanied by a support worker or advisor if required. The panel will be made up of appropriate representatives of the student's academic department (normally the Head of Department or nominee, who will chair the meeting) and the Head of Student Policy and Safeguarding. The Director of Student Services and the Senior Case Manager will advise the panel.

6.6 The purpose of the meeting will be to ensure that:

- the student is made fully aware of the nature of the concerns which have been raised,
- the student is given the opportunity to explain their views on the situation,
- the student is fully aware of the possible outcomes if the situation does not improve.

6.7 The Stage 1 panel may decide:

- that no further action is required,
- to put in place an action plan, agreed with the student,

- to recommend an individual programme of study. Such recommendations would need to be agreed by the student's department and by the student (where necessary through the change of circumstance process). The student should also be advised to seek support from the Student Money Advice Team and the Student Immigration Service (where appropriate) before agreeing to a change in circumstance. The student will be informed that unless these arrangements remedy the concerns to the University's satisfaction, their fitness to study may be considered at Stage 2,
- to recommend a Disability Action Plan (where appropriate),
- where the student is on placement, to propose the student suspending the placement or (if available) switching programmes to a 'without placement' equivalent,
- with the consent of the student, to agree that their studies be suspended for a mutually agreed period of time; remembering that there are maximum periods of study for Undergraduates and suspension limits for Postgraduates,
- to refer the case to the Pro Vice Chancellor for Student Experience to be considered under Stage 2 of this policy. This will only be appropriate in the most serious of cases, for example, where:
  - it is believed that there is a critical risk or perceived or potential risk to either the health and safety, wellbeing, studies or student life of the student or others has been identified, and it is thought that suspension, exclusion, or expulsion of the student may be the appropriate course of action,
  - where a particular course of action has been recommended (such as part-time study or suspending a placement) but the student does not agree.

6.8 The decision of the Stage 1 panel should be made in conjunction with the student if possible. If a decision cannot be reached, the case will be considered at Stage 2.

6.9 The decision of the panel, together with a concise record of the meeting, should be sent to the student within 7 calendar days from the date of the meeting, and a copy kept on file.

6.10 For any student continuing to study at the University, the details of the Stage 1 panel outcome will be communicated to the student, including:

- steps which the student will need to take,
- any support to be provided to the student,
- the outcomes that need to be met for the student to be considered fit to continue studying and how these must be demonstrated (including timescales and contact details of support services where applicable),
- the timings of regular review meetings with the student and a nominated member of staff (to ensure that the action plan is being appropriately followed and/or that reasonable support to enable the student to study effectively is being provided). These meetings will be held at least monthly,
- what will happen if the student does not complete the steps that they have

committed to in the action plan, or there is insufficient improvement in the student's situation. This will normally involve their fitness to study being considered at Stage 2,

- what needs to happen if there is a shortfall in the support available to the student,

6.11 The regular review meetings will allow the student an opportunity to seek further support and to share their progress and concerns. The nominated member of staff will update the Chair of the Stage 1 panel, who can:

- determine that the student's Fitness to Study is no longer in question. The student should continue to receive the support they need despite the end of their formal interaction with this policy,
- determine that the review meetings should continue,
- determine that the student has not completed the steps that they have committed to in the action plan, or there is insufficient improvement in the student's situation. This will normally involve referring the case to be considered at Stage 2.

## **7. Stage 2**

7.1 This stage of the procedure will only be implemented following a referral from a Stage 1 panel or if in the opinion of the Pro Vice Chancellor for Student Experience, having consulted as appropriate, initial concerns are raised which are sufficiently critical as to warrant the consideration of the student's suspension, exclusion, or expulsion (e.g., the risk presented by the student to themselves or others is perceived to be of a critical or potentially critical nature).

7.2 As a first step, the Pro-Vice Chancellor for Student Experience (or nominee) will consider whether any precautionary measures should be implemented, including recommending interim suspension from the University or University accommodation.

7.3 The Student Casework Manager (or nominee) will set a date for a formal meeting of the Stage 2 panel to hear the case and invite the student to attend to discuss the concerns and all relevant issues. The Student Casework Manager will act as Secretary to the Panel.

7.4 Prior to the Stage 2 panel meeting and using the information available to them (see section 2.2) the Senior Case Manager will complete a risk assessment of the student's circumstances.

7.5 The student will be given at least 7 calendar days' notice of the Stage 2 panel meeting and informed of the purpose of the meeting. They will also be provided with the risk assessment and any other documents which will be considered by the panel (unless there are exceptional circumstances where it is believed that this may lead to increased risk) and asked to provide any documentation they may wish the panel to consider in good time for the meeting. They will be notified of who will be on the panel and to the support they can access.

7.6 A meeting of the Stage 2 panel will be organised by the Student Casework Manager. The student will also be invited to attend, unless this could be deemed to be harmful or inappropriate to a student at this stage, and the student may be accompanied at the meeting by a Students' Union representative, a friend, family member or advisor. In addition, disabled students may also be accompanied by a support worker or advisor if required. The panel will be comprised of the Pro Vice Chancellor for Student Experience (who will chair the meeting) the Head of

Department and a member of Senate who is not a member of the Senate Appeals Committee. The Director of Student Services and the Senior Case Manager will advise the panel. If appropriate, the University's Legal Adviser may also be in attendance.

7.7 The purpose of the meeting will be to consider the concerns presented, including the student's response to these concerns, and to reach an appropriate decision, action plan or other outcome.

7.8 The student will be notified of the decision within 7 calendar days of the meeting of the Stage 2 panel meeting and a copy of this outcome kept on file. This may include one or more of the following:

- to formally monitor the student's progress for a specified period. In this case, the panel will provide the student with an agreed action plan, outlining:
  - steps which the student will need to take,
  - support to be provided to the student,
  - the outcomes that need to be met for the student to be considered fit to continue studying (including timescales and contact details of support services where applicable),
  - the timings of regular review meetings with the student and a nominated member of staff (to ensure that the action plan is being appropriately followed and/or that reasonable support to enable the student to study effectively is being provided). These meetings will be held at least monthly, and
  - what will happen if the student does not make progress through the action plan, or there is no improvement in the student's situation,
    - that, following consultation with the academic department and Registry, to put an individual programme of study in place if possible; or a suspension of studies occurs. The student should be advised to seek support from the Wellbeing Team, and advice from the Money Advice Team and Student Immigration Services (where appropriate) on the implications of such a measure. These arrangements will include the following details:
      - steps which the student will need to take,
      - support to be provided to the student,
      - the outcomes that need to be met for the student to be considered fit to continue studying, or to return to studying (including timescales and contact details of support services where applicable),
      - the timings of regular review meetings with the student and a nominated member of staff (to ensure that the action plan is being appropriately followed and/or that reasonable support to enable the student to study effectively is being provided). These meetings will be held at least monthly,
      - what will happen if the student does not complete the steps that they have

committed to in the action plan, or there is no improvement in the student's situation,

- to recommend to the Vice-Chancellor that they exercise their statutory power to suspend or exclude the student,
- to refer the case to the Vice-Chancellor with a recommendation that they should exercise their statutory power to expel the student from the University,
- any other action considered to be appropriate and proportionate.

7.9 The outcome of the panel will also be reported to Senate at its next meeting.

## **8. Fitness to Return (following a period of exclusion or suspension)**

8.1 A student will only be permitted to return to study if the University is satisfied that they are fit to do so and able to comply with any conditions imposed on their return.

8.2 Following a period of exclusion or suspension as part of a Fitness to Study process, the student will be required to contact the Student Casework Manager to notify them of their desire to return to study, normally 3 months before their intended return date.

8.3 As a result of this notification, the Senior Case Manager will carry out a risk assessment of the student's return to study using the information available to them (see section 2.2) and may seek an update from stakeholders at this point.

8.4 If the student suspended by agreement following Stage 1 of this policy, a Stage 1 panel meeting will be held (see section 6) to determine whether the student is fit to return to study, and to assess any support that may be needed by the student to best ensure a successful return to University life. The student is required to engage with this process and engagement will be a condition of their return to study. If consensus between the panel and the student cannot be reached, then a Stage 2 panel will be convened to determine whether a student is fit to return to study.

8.5 If the student suspended or was suspended or excluded following Stage 2 of this policy, a Stage 2 meeting will be held (see section 7) to determine whether the student is fit to return to study, and to assess and implement any support that may be needed by the student to best ensure a successful return to University life. The student is required to engage with this process.

This Stage 2 panel will be able to decide on all the outcomes describes in section 7, and:

- to recommend to the Vice-Chancellor that they exercise their statutory power to extend the period of suspension or exclusion; remembering that there are maximum periods of study for Undergraduates and suspension limits for Postgraduates, or
- to recommend to the Vice-Chancellor (or nominee) that they should exercise their statutory power to expel the student from the University.

8.6 If there were concerns raised about a student's fitness to study and the student suspended prior to the Fitness to Study Procedure taking place, the student will be required to complete the Fitness to Return process as a condition of their return. The student will be notified of this requirement at the time of their suspension.

8.7 In any case where a student returns to study following the implementation of the Fitness to Study procedure, the University may decide that there should be regular review meetings and/or a Support to Study plan in place for this student. If so, the student must engage in this process and attend these review meetings which may continue for part or all of their remaining time at University. A student can request changes to their review meeting in discussion with their nominated member of staff, or by emailing [fitnesstostudy@bath.ac.uk](mailto:fitnesstostudy@bath.ac.uk)

8.8 Further advice on suspending studies can be found here:  
<https://www.bath.ac.uk/guides/suspending-your-studies-or-leaving-the-university/>

## **9. Right of Appeal**

9.1 A student may appeal against any decision reached at Stage 2 of this Fitness to Study policy. A student who wishes to appeal against a decision do so by emailing [fitnesstostudy@bath.ac.uk](mailto:fitnesstostudy@bath.ac.uk) within 14 calendar days of the outcome of the Stage 2 review panel. This appeal will be heard by the Senate Appeals Committee under the provisions of [University Statute 27.1](#) within 30 days of the student being notified of the outcome, except where this pertains to a decision by the Vice-Chancellor that a student be expelled. In this case, the appeal will be heard by the Council Appeals Committee under Statute 27.2.

## **10. General Matters**

10.1 The University will take account of relevant legislation such as the Data Protection Act, the Mental Health Act, the Human Rights Act, the Equalities Act and the general rights and expectations of a student of confidentiality. In cases where Stages 1 or 2 of the Fitness to Study Procedure have been invoked, the Chair will trigger the Emergency Contact protocol so that the institution can decide whether the student's emergency contact should be informed and discuss with the student whether any statutory services will be contacted.

10.2 The University acknowledges that as a result of implementing this policy it will receive special categories of personal data and data of a confidential nature pertaining to the student and other third parties, and will ensure that all such data is handled, processed, and stored accordingly.

10.3 The University reserves the right at any reasonable stage to require a medical assessment or further medical assessment to be carried out by a medical practitioner of its choosing, normally at the University's expense. The student has the right to decline this. Should the student decline, the University may continue this policy based on the information already in its possession.

10.4 Any of the functions of the Vice-Chancellor under this policy may be delegated to a Deputy Vice-Chancellor or Pro-Vice-Chancellor.

## **11. Precautionary Measures**

11.1 The University will take appropriate action to protect the safety and wellbeing of its members. Any such measures will be identified through a risk assessment conducted by trained members of University staff.

11.2 Precautionary measures may include, but will not be limited to, one or more of the following options:

- changes to the accommodation of the student,
- exclusion from certain parts of the University,
- suspension from the University.

These precautionary measures will be regularly reviewed throughout the Fitness to Study process.

11.3 Exclusion of a student by the Vice-Chancellor involves prohibition on entering certain areas of the University. Recommendations of any prohibition of exercising the functions or duties of any office or committee membership in the University or the Students' Union will be made on a case-by-case basis. The details will be specified in writing by the Vice-Chancellor to the student.

11.4 The precautionary suspension of a student by the Vice-Chancellor involves a total prohibition on attendance at or access to the University and on any participation in University activities on and off campus including placement, study abroad or exchange activities. However, it may be subject to qualification such as permission to attend for specified academic purposes, or for limited and prescribed access to the University for the purpose of receiving support or obtaining information relating to this policy or a disciplinary or court hearing.

*Amendments to these Regulations are approved by Senate. Any such amendments are identified above and will take effect from the date shown.*

*Date of Last Update: 6 April 2022*