

**UNIVERSITY OF BATH  
REGULATIONS FOR STUDENT APPRENTICES 2022/23**

*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 2022/23, the Student Complaints Procedure, Fitness to Study Policy, Student Appeals Policy and Precautionary Measures 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 2022

*\* 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. 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 communicated online process, 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 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 of Last Update: 1 August 2022*

## 2. FEES

### General

2.1 The responsibility for payment of fees rests with *the student apprentice's employer*.

### 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 they 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: 1 August 2022*

### 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 readmit 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 and Safeguarding 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 mandatory academic training and a test of understanding within a defined period. The skills training session and test will be those as defined in the Quality Assurance Code of Practice.

The defined period starts with first registration upon entry and ends at the first progression point encountered thereafter.

(b) Students who fail to pass the test 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.

- 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: 1 August 2022*

#### **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. RESCINDED**

## **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 Campus Services:  
<https://www.bath.ac.uk/corporate-information/student-accommodation-terms-and-conditions> with the Student Living Code of Conduct at  
<https://www.bath.ac.uk/corporate-information/student-living-code-of-conduct/>
- 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 of Last Update: 1 August 2022*



## 7. DISCIPLINARY REGULATIONS FOR STUDENTS

### ***REGULATIONS FOR STUDENT APPRENTICES VARIANT***

If you require this document in an alternative format, such as large print or a coloured background please contact: [student-discipline@bath.ac.uk](mailto:student-discipline@bath.ac.uk)

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

#### **Purpose**

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.

7.2 Article 24 of the [Charter of the University and the University Statutes](#) 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 SU (Students' Union) has its own constitution, whose provisions are subject to approval by the University Council and apply to all members of The SU.

#### **Scope**

7.3 Disciplinary procedures will be used where a student enrolled or registered at the University of Bath has allegedly committed an act of misconduct on or off University premises (including online) where the injured party is:

- the University itself (this includes cases which could potentially bring the University into disrepute or where action is deemed necessary to safeguard our community)
- a student or employee of the University
- any other person on University premises
- any other person involved with a University activity

***7.3a Misconduct by a student apprentice 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.***

#### **Definitions**

7.4 Misconduct:

Misconduct is broadly defined as behaviour where the University community has been, or could be, impacted as a result and/or where a member of the community has not taken appropriate care or responsibility for how their behaviour has affected others.

7.5 The following is a non-exhaustive list of examples of misconduct:

a) Health and Safety Misconduct:

Action likely to cause injury or impair health or safety including:

- (i) smoking and vaping in areas not designated for this purpose including the Underdeck, the Library Balcony or on the Parade (you should be at least 4 metres away from any building when you smoke).
- (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 in pedestrian areas other than where duly authorised
- (v) possession of any drug or drugs, which unless prescribed for the student by a registered medical practitioner, would mean that the student could be prosecuted. (Drug possession will normally be classed as a breach of Health and Safety misconduct. In some circumstance, e.g. multiple breaches, drug possession may be categorised as misconduct which may also constitute a criminal offence).
- (vi) inappropriate interference with the services of the University or any part of the University estate including with fire safety systems or equipment
- (vii) entering any restricted area (including roofs) without obtaining official permission from the Director of Campus Infrastructure
- (viii) dropping or throwing an object from a high-rise building
- (ix) entering the lake by any means, without authorisation from Campus Infrastructure.

b) Operational Obstruction:

- (i) inappropriate interference with academic or other activities of the University
- (ii) inappropriate 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) allowing others to use your University Library card and/or University log-in details.
- (iv) 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

c) Regulatory Breaches

- (i) breach of any other University Code, 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

d) Damage to Property

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

e) Academic Misconduct

The use of, or participation in, any means that may result in a student obtaining an unfair academic advantage in any assessment, whether successful or not.

- 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, which unless prescribed for the student by a registered medical practitioner, would render mean that the student could be prosecuted.
  - (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 bladed article, an offensive weapon or weapon of offence
  - (vi) 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 (including teaching activities) without their express consent
  - (iii) unless duly authorised, using, permitting, 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) discrimination
  - (ii) bullying
  - (iii) harassment
  - (iv) sexual misconduct
  - (v) hate motivated misconduct
  - (vi) online misconduct
  - (vii) victimisation

### **Categorisation of Misconduct**

**7.6** 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 (or risk thereof) on the proper functioning or activities of the University, or to a member or members of the University Community, 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, or to a member or members of the University Community.

#### Category C

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

#### **Policy Review**

7.7 If you have any feedback on this policy, or on your experience of this policy or process, please email [studentpolicy@bath.ac.uk](mailto:studentpolicy@bath.ac.uk)

#### **Related Policies and Procedures**

- 7.8 Regulation 8 – Disciplinary Processes for Students  
SU Disciplinary Procedure  
Student Precautionary Measures Policy  
Student Appeals Policy and Procedure  
Dignity & Respect Policy & Procedure

#### **Document Control Information**

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*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 2022*

## 8. DISCIPLINARY PROCEDURES FOR STUDENTS

### *REGULATIONS FOR STUDENT APPRENTICES VARIANT*

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

Purpose:

- 8.1 To detail the investigative and decision-making steps taken by the University when responding to reports of misconduct as defined in Regulation 7 – the Student Disciplinary Regulations for Student *Apprentices*.

Scope:

- 8.2 Disciplinary procedures will be used where a student enrolled or registered at the University of Bath has allegedly committed an act of misconduct on or off university premises (including online) where the injured party is:
- the university itself, (this includes cases which could potentially bring the University into disrepute or where action is deemed necessary to safeguard our community)
  - a student or employee of the university
  - any other person on university premises
  - any other person involved with a university activity

Policy Interactions:

- 8.3 This policy is not designed to address issues of fitness to study. These issues will normally be dealt with under the Fitness to Study Policy. 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 Head of Student Policy and Safeguarding with appropriate advice.
- 8.4 Issues may be raised that do not fall neatly into the category of just one procedure. Where matters are raised under more than one procedure, that relate to common facts, then the normal approach will be to consider the matters through a joint process. For example, where a complaint raised under the Student Discipline Policy also needs to be investigated under a Staff Discipline Policy, the University will normally have one joint investigation under both policies and procedures. Normally this decision will be made at the level of the Deputy Director of HR / Head of Student Policy & Safeguarding. The University will explain to all parties how the matters will be investigated, where responsibility for overall conduct of the matter lies, and who will issue the final decision. A Designated Coordinator will be provided for all parties. Where a joint process is not possible, we will be clear about which specific issues will be considered under which specific procedure.

The Designated Coordinator will act as a single point of contact for any party throughout any part of these processes. The Designated Coordinator is not an advocate or representative. They can provide information on university processes and facilitate practical support, as well as acting as a link for communications between the University

and parties to the process. The Designated Coordinator could be the Deputy Director of HR, the Student Discipline Manager, or the Student Casework Manager or the Dignity & Respect Liaison Officer, for example.

Definitions:

8.5 Reporting Party:

The person affected or impacted by the alleged misconduct

8.6 Respondent:

The person against whom the allegation is made

8.7 Witness (Direct/Indirect):

An individual who can provide evidence to the alleged behaviour

8.8 Referring Party:

The person referring the alleged misconduct to the University

8.9 Conflict of Interest:

In order that a fair and objective process is carried out, the University needs to ensure that those involved at each stage of the process do not have a conflict of interest.

The University defines a conflict of interest as a set of circumstances that creates a risk that the individual's ability to apply judgement or act fairly and objectively in a particular case is, could be, or could be perceived to be, impaired or influenced by a secondary interest. This interest might include some personal or working connection to any of the parties involved or their work, such that it could impair their objectivity. For this reason, we ask any individual involved in a Disciplinary case to declare any actual or potential conflicts of interest. The primary obligation rests with the individual to recognise situations in which there is actual, potential, or perceived conflict of interest.

The University is keen to support its staff and students and manage potential conflict wherever possible and will ask for declarations at every stage of the process. It is not the intention of the University to intrude on the privacy of individuals, however the University has a statutory obligation to safeguard the health, safety, and welfare of all members of the University. Therefore, it will take any necessary steps to satisfy these responsibilities.

If any party to this procedure has a concern about anyone involved with their case, they can raise a concern by emailing [student-discipline@bath.ac.uk](mailto:student-discipline@bath.ac.uk).

8.10 Burden of Proof:

The burden of proof for Student Disciplinary cases sits with the University and it is their responsibility to prove the case being considered.

8.11 Standard of Proof:

The civil standard of proof is used in Student Disciplinary cases, namely 'the balance of probabilities'. That something is more likely than not to have happened and must still be supported by evidence. Evidence will include, for example, statements from different parties, and will be collected by the University.

#### Principles:

- 8.12 The University is committed to making the experience of processes, such as this one, as considerate as possible. As such, this procedure will:
- Be timely: normally concluded within 60 calendar days (plus 30 calendar days for any appeals) from when the Respondent receives notification that allegations of misconduct have been made against them. If it is anticipated that the process will take longer, all parties will be informed in writing and provided with an amended timescale
  - Be independent: persons with a conflict of interest will not investigate or be put in a position to hear or make judgements on a case
  - Be respectful: All parties will treat each other fairly and with respect throughout this process
  - Be transparent: all parties will be clearly communicated with throughout the process, and reasons will be given for decisions made
  - Be empathetic: all parties will be listened to and taken seriously throughout this process
  - Be reflective: the University will use reports and feedback to improve our staff and student experience
  - Be fair and unbiased: All parties will have the right to a fair and unbiased process (following the principles of natural justice) under the University's procedures. This means that excluding special circumstances, the identity of a Reporting Party and the details of the report will need to be disclosed to the Respondent, and where necessary, witnesses, before they are asked to respond.
  - Be protective of those involved: the University will put measures in place to protect all the parties and prevent harm wherever required. This will include scheduling separate meeting and hearing times for Respondents and Reporting Parties.

#### Roles and Responsibilities:

- 8.13 The Student Discipline Team - this policy and procedure, and their application, are overseen by the Student Discipline Team who sit within Student Policy and Safeguarding. Any queries you may have relating to this policy and procedure can be emailed to [student-discipline@bath.ac.uk](mailto:student-discipline@bath.ac.uk). ***The University may, at its discretion, share details of any offence and subsequent penalty with the student apprentice's employer.***
- 8.14 Any of the functions of the Head of Student Policy & Safeguarding under these Regulations may be delegated to a member of the Student Policy & Safeguarding team.
- 8.15 Members of the Student Disciplinary and Misconduct Panel are selected by Senate or the Vice Chancellor and have been appropriately trained to make decisions on cases referred to them by the Student Discipline Team.

#### Support for Students:

- 8.16 We understand that this process can be difficult, and we strongly recommend that all students seek advice from the SU (Students' Union) Advice centre, which is independent of the University. The SU Advisors can assist with completing forms, preparing for meetings and can attend the meetings as an advisor. Students can arrange a

meeting with an advisor by emailing [suadvice@bath.ac.uk](mailto:suadvice@bath.ac.uk).

- 8.17 We also strongly recommend that students seek emotional support from the Student Wellbeing Service or the SU Advice centre before, during and/or after their involvement with this process.
- 8.18 Students may be accompanied to any or all stages of this process by a Students' Union representative, a friend, family member or advisor. The Chair or person leading the meeting will be clear about the opportunities for when representatives can speak. These may include reading a statement on behalf of the student, consulting with them and advising them. However, students will be expected to answer questions and speak for themselves.
- 8.19 Students are required to notify the Student Discipline Manager of the name and status of anyone accompanying them to meetings, with at least 3 working days' notice, by emailing [student-discipline@bath.ac.uk](mailto:student-discipline@bath.ac.uk).
- 8.20 We understand that some students may need additional arrangements to fully access this process. This may include reasonable adjustments for disabled students, an interpreter, or other arrangements. You can discuss your needs by emailing [student-discipline@bath.ac.uk](mailto:student-discipline@bath.ac.uk).
- 8.21 Any student who has been party to any of the above policies/procedures can raise any concerns about their experience using the [Student Complaints Policy](#). The SU Advice Centre can offer independent guidance on how to submit a complaint.
- 8.22 Parties to this process are encouraged to provide feedback on any aspect of it any stage by emailing [studentpolicy@bath.ac.uk](mailto:studentpolicy@bath.ac.uk)

#### Procedure:

- 8.23 The University will consider applying precautionary measures to ensure that any recognised risks can be mitigated before and during the Student Discipline process (see Student Precautionary Measures Policy).
- 8.24 If a Reporting Party has raised a concern with the University, it is important that they feel in control of this information, wherever possible. Therefore, unless there is a safeguarding concern, or other risk, which will normally be discussed with them, the Reporting Party retains the rights to withdraw from this process at any point.
- 8.25 If a Reporting Party withdraws from the process, the University reserves the right to act on the information provided.
- 8.26 At each stage, all parties will be given as much choice as possible between remote and in-person meetings.

#### Allegations:

- 8.27 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 SU in accordance with [The SU Student Members Disciplinary Policy](#)
- b) By referral to the Student Discipline Team
- c) Through referral directly to the Police
- d) Directly by Security Services, as outlined below:

- 8.28 If a member of Security Services witnesses misconduct which can be classified as Category A, according to the categorisation outlined in Regulation 7, they may issue a fixed penalty notice (£50 for first breach, £100 for repeat breach).
- 8.29 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 Student Discipline Team. A student may receive no more than two fixed penalty notices in any twelve-month period. A third incident will result in an automatic referral to the Student Discipline Team.

The remainder of this procedure outlines what happens following referral of alleged misconduct to the Student Discipline Team.

- 8.30 The Reporting Party will be invited to meet with a member of the Student Discipline Team to provide a statement detailing the alleged misconduct. The Student Discipline Team may also take statements from witnesses.
- 8.31 Based on the information provided, the Student Discipline Team will establish if an allegation 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 as outlined in Student Regulation 7.
  - b. To refer the party making the report to an alternative procedure.
  - c. To address the allegation through an alternative procedure.
  - d. To dismiss the allegation, with the consequence that no further action will be taken.

Investigatory Process:

- 8.32 Following determination of 8.31a, the investigation into the reported misconduct will begin, led by the Student Discipline Team.
- 8.33 The Respondent will be told in writing about the allegation(s) against them and will be asked to attend an investigative interview with the Student Discipline Team.
- 8.34 Respondents will normally be expected to represent themselves at all stages.
- 8.35 At the conclusion of the investigation, an Investigation Report will be produced.
- 8.36 Using the Investigation Report, the Head of Student Policy & Safeguarding will determine one of the following:
- a. That the Respondent is in breach of Regulation 7, Category A or B

- b. That the alleged misconduct is Category C requiring referral to a Student Disciplinary and Misconduct Panel
- c. That the case should be addressed through an alternative procedure.
- d. 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 10 working 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.

8.37 Where the alleged misconduct was directed at an individual/s, and on review of the investigation report, a change to the initial categorisation is proposed, or where there is a determination that no breach of Regulation 7 has occurred, the decision will be ratified by the Head of Student Policy & Safeguarding with a Chair of the Student Disciplinary and Misconduct Panel.

Category A or B Misconduct Process:

- 8.38 If the Respondent has been found in breach of Regulation 7 under Category A or B, the Student Discipline Team will decide the sanction(s) to be applied.
- 8.39 The outcome as a result of the investigation will be communicated to all involved parties and may include any sanction(s) to be applied, and the timeframe in which they will apply.
- 8.40 The Respondent and Reporting Party may request a copy of the Investigation Report, though confidential or sensitive information may be redacted.

Category C Misconduct Process: Referral to a Student Disciplinary and Misconduct Panel

- 8.41 The Respondent and Reporting Party will receive at least 5 working days' notice of any Student Disciplinary & Misconduct Panel. The notification will provide them with:
  - a. The Investigation Report, though confidential or sensitive information may be redacted.
  - b. The names and roles of the Student Disciplinary and Misconduct Panel members.
- 8.42 The Respondent and Reporting Party will have at least 3 working days after receiving notice of the Student Disciplinary and Misconduct Panel to submit any evidence in response to the findings of the Investigation Report and to notify the Student Discipline Team of any perceived conflicts of interest relating to the Panel members. Any accepted additional evidence will be shared with all parties involved in the Panel. This may result in the Student Disciplinary and Misconduct Panel being rescheduled.
- 8.43 If the Respondent fails to attend the Student Disciplinary and Misconduct Panel without good cause (either in person or virtually), having had appropriate notice, the Student Disciplinary and Misconduct Panel will consider the case in the Respondent's absence.
- 8.44 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 Panel.

Order of Student Disciplinary and Misconduct Panel:

- 8.45 The Chair, in consultation with members of the Panel, will determine the order of proceedings.
- 8.46 The Student Disciplinary and Misconduct Panel will consider the Investigation Report. The Panel will invite the Reporting Party to give a statement and answer questions from the Panel. They will then invite the Respondent to answer questions and give a statement. Witnesses may be invited by the Chair to attend to answer questions from the Panel. Reporting Parties, witnesses and Respondents will attend the Panel separately.
- 8.47 The Student Disciplinary and Misconduct Panel will determine either:
- a. the Respondent is in breach of Regulation 7;
  - b. there has been no breach of Regulation 7, concluding the Disciplinary Procedure. A Completion of Procedures Letter will be sent to the Respondent within 5 working days of the outcome of the panel. This will include information on how the student could submit a complaint to the Office of the Independent Adjudicator (OIA) for review. Any reporting party will be also informed of the outcome within 5 working days of the outcomes of the panel.
- 8.48 If the Respondent is found to be in breach of Regulation 7, the Student Disciplinary and Misconduct Panel will then decide on the sanction(s) to be applied using the University's Sanctioning guidelines.
- 8.49 The Respondent and Reporting Party will be informed of the Student Disciplinary and Misconduct Panel's decision in writing, no later than 5 working days, including how they have breached Regulation 7, any sanction(s) to be applied, and the timeframe in which they will apply.
- 8.50 A Panel Proceedings report will be produced, and the Respondent and Reporting Party may request a copy.
- 8.51 If the decision of the Student Disciplinary and Misconduct Panel is to recommend the expulsion of the Respondent, this recommendation will be made to the Vice Chancellor. The Respondent and Reporting Party will be informed of this recommendation, no later than 5 working days from the outcome of the panel, along with any other sanction(s) or measures preceding the expulsion.
- 8.52 The Vice Chancellor's decision to accept or reject the Panel's recommendation to expel the Respondent will be communicated to the Respondent and the Reporting Party within 10 working days of the outcomes of Student Disciplinary and Misconduct panel meeting.

Appeal Process:

- 8.53 A Respondent can use the Student Appeals Policy and Procedure to submit an appeal (within the bounds of that policy) following notification of the outcome of a Student

Disciplinary case. Appeals need to be submitted within 10 working days of the outcome of the case.

#### Involvement of the Police and Criminal Investigations:

- 8.54 Where an allegation may constitute a criminal offence the Reporting Party will have a choice as to whether to report the matter 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.
- 8.55 If a registered University student is under police investigation awaiting conclusion of a criminal or civil case, any University disciplinary action will normally be put on hold to prevent prejudicing a criminal investigation. Where relevant, necessary precautionary measures will be implemented.
- 8.56 After the conclusion of a criminal case, the Vice-Chancellor, advised by the Head of Student Policy and Safeguarding will determine whether internal disciplinary action will be taken, and from which point in these procedures.
- 8.57 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.
- 8.58 Where a Respondent has been convicted and sentenced by a Court, the penalty of the Court will be taken into consideration in determining any additional sanction(s) imposed under these Disciplinary Procedures.

#### Records and Notification:

- 8.59 The Student Discipline Team will notify The SU and other teams/ departments within the University of sanctions applied on a 'need to know basis' as determined by the University's administrative and safeguarding responsibilities (i.e. notification of a No Contact Order where the Respondent and the Reporting Party are in the same academic department or SU club).
- 8.60 The Respondent's academic department will always be informed of a Category C warning as sanctioned by the Student Disciplinary and Misconduct Panel.
- 8.61 The Student Discipline Team will report to the Senate on an annual basis.
- 8.62 Where necessary for fair investigation and consideration of a disciplinary case, the University may share information internally and with The SU.
- 8.63 All records taken under this policy will be held for the recommended period of time for which records should be retained to comply with legal requirements and meet operational needs as defined with the [University Records Retention Schedule](#)

- 8.64 Related Policies and Procedures  
 Regulation 7 – Disciplinary Regulations for Students  
 SU Disciplinary Procedure  
 Student Precautionary Measures Policy  
 Student Appeals Policy and Procedure  
 Dignity & Respect Policy & Procedure  
 Staff Disciplinary Policy & Procedure

8.65 Document Control Information

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*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 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 2022*

## **10. USE OF FACILITIES**

### **10.1 Introduction**

The use of University facilities (Library, 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 Chief Digital and Information Officer 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**

(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. 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 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 repairation.

(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

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 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, vaping and eating are not permitted within the Library, including the Library balcony.

(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 and Information Officer, or the Heads of such other units as Senate may determine.

(iii) IT Acceptable Use Policy <https://www.bath.ac.uk/corporate-information/it-acceptable-use-policy/>

(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: 1 August 2022*

## **11. DOGS AND OTHER PET ANIMALS**

- 11.1 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 who require it.
- 11.2 Approved assistance dogs (guide dogs, hearing dogs, service dogs) are allowed into University accommodation under the control of their owner and the owner must refer to the Student Living Code of Conduct <https://www.bath.ac.uk/corporate-information/student-living-code-of-conduct/> when bringing an assistance dog into university accommodation.

*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 2022*

## **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. The use of privately owned e-scooters is not permitted in the University grounds.
- 12.2** A vehicle will not be eligible for a parking permit unless the person wishing to register it possesses a full driving licence.
- 12.3** 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.
- 12.4** 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.
- 12.5** Undergraduate students living in non-University accommodation in postal districts BA1 and BA2 will not be granted a permit except in exceptional circumstances.
- 12.6** 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.
- 12.7** When a registered driver disposes of their 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.
- 12.8** Drivers must refer to the University 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.
- 12.9** 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.
- 12.10** 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: 12 October 2022*

### **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) they have satisfied the general entrance requirements of the University and
  - (b) they have satisfied the specific requirements for the programme to which admission is sought and
  - (c) they, if under 18 on 1st October of the year in which admission is sought, have complied with the requirements of the Policy on the Admission and Support for Students Entering the University Under the Age of 18 and
  - (d) they have 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) they have 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, partner organisations **and employers** 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, partner organisation **or employer** 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: 1 August 2022*

**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, ie. 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]*

(h) With effect from 2022-23, the University will begin transition to new assessment regulations. Course/programme information will state which assessment regulations apply.

### 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 their 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 Ouriginal (<https://www.ouriginal.com/>) 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. 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: 1 August 2022*

## 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) they have provided the University with satisfactory evidence of their 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) they have 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) they have satisfied any additional specific requirements for the programme to which admission is sought and

(iv) they have 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) they have 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; change of mode of study; 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 apprentice's Training 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 and childbirth

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

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

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. ***[The remainder of this paragraph has been removed]***

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 Degree. ***[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, ***and with the agreement of the employer***, 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 and as outlined in the ESFA Funding Rules. 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 their 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, *and the minimum duration for an apprenticeship as set out in the ESFA funding rules*, the period of study shall not be less than twelve 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 and set out in the student apprentice's Training Plan.*

(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) **and in the case of an integrated degree apprenticeship, having successfully completed their End Point Assessment**.

(ii) Students who fail to satisfy the examiners may, subject to the provisions of Regulation 15, present themselves again for examination as directed. **[The rest of this paragraph has been removed]**

(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: 1 August 2022*



## **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 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 Director of Policy, Planning and Compliance and, if necessary, relevant legal advice, will determine whether 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.

*Student apprentices may also approach the ESFA to consider a complaint. The ESFA will normally not consider a complaint until the exhaustion of the University's own procedure.*

## **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;
  - iv. *[this regulation does not apply to apprentices]*
- 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 *or suspended for a period, and in agreement with their employer.*

### **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, they 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 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 its terms of reference (see: [Student Academic Appeals Committee Terms of Reference \(bath.ac.uk\)](https://www.bath.ac.uk/guides/student-academic-appeals-committee-terms-of-reference/)). 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, where applicable*.

## **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 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: 1 August 2022*

## 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
    - ~ 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).

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

- 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**

- 18.7** 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*

- 18.8** 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.
- 18.9** 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).
- 18.10** 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.
- 18.11** 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.

**18.12** 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, they judge 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.

**18.13** 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*

**18.14** 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.

**18.15** 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.

**18.16** 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*

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

## Infringements

- 18.18** 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

#### *STUDENT APPRENTICES COMPLAINTS POLICY VARIANT*

If you require this document in an alternative format, such as large print or a coloured background, please contact: [student-complaints@bath.ac.uk](mailto:student-complaints@bath.ac.uk)

#### 1. Purpose

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. Scope

2.1 The University considers a student complaint as an expression of dissatisfaction raised by a student (or group of students) against a service, facility or the academic provision of the University.

#### 3. Policy Interactions

3.1 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 SU (Students' Union), which should be pursued with The SU in the first instance by emailing [su-cda@bath.ac.uk](mailto:su-cda@bath.ac.uk)
- 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 Appeals Panel under Stage 3 of this policy and procedure.
- ***Complaints relating directly to a student apprentice's Employer will be dealt with according to the Employer's own complaint's 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 Appeals Panel under Stage 3 of this policy and procedure.

- Complaints relating to the service provided by Westwood Nursery should be submitted under the Westwood Nursery's own complaints procedure.
- Complaints about any form of discrimination, bullying, harassment or victimisation which will be dealt with through the Dignity and Respect policy.

3.2 Issues may be raised that do not fall neatly into the category of just this procedure. Where matters are raised under more than one of the procedures, that relate to common facts, then the normal approach will be to consider the matters through a joint process. For example, where a student raises a complaint under the Student Complaints Policy and Procedure that also needs to be investigated under the Dignity and Respect Policy and Procedure, the University will normally have one joint investigation under both policies and procedures (and the relevant disciplinary procedure). Normally this decision will be made at the level of the Deputy Director of HR / Head of Student Policy & Safeguarding.

The University will explain to all parties how the matters will be investigated, where responsibility for overall conduct of the matter lies, and who will issue the final decision.

A Designated Coordinator will be provided for all parties. Where a joint process is not possible, we will be clear about which specific issues will be considered under which specific procedure.

The Designated Coordinator will act as a single point of contact for any party throughout any part of these processes. The Designated Coordinator is not an advocate or representative. They can provide information on University processes and facilitate practical support, as well as acting as a link for communications between the University and parties to the process. The Designated Coordinator could be the Dignity & Respect Liaison Officer, the Deputy Director of HR, the Student Discipline Manager or the Student Casework Manager, for example.

## **4. Principles**

4.1 The University is committed to making the experience of processes, such as this one, as considerate as possible. As such, this procedure will:

- Be timely; normally concluded within 60 days (plus 30 days for any appeals) from the receipt of the Student Complaints Form. If it is anticipated that the process will take longer, all parties will be informed in writing and provided with an amended timescale.
- Be independent; persons with a conflict of interest will not investigate or adjudicate. If any party to this procedure has a concern about anyone involved with their complaint, they can raise this with the Student Casework Manager via [student-complaints@bath.ac.uk](mailto:student-complaints@bath.ac.uk)
- Be respectful: All parties will treat each other fairly and with respect throughout this process
- Be transparent; all parties will be clearly communicated with throughout the process, and reasons will be given for decisions made.
- Be empathetic; all parties will be listened to and taken seriously throughout this process



- Be reflective; the University will use complaints and feedback from this process to improve the student experience.
- Be fair and unbiased; All parties will have the right to a fair and unbiased hearing under the University's procedures. This means that excluding special circumstances, the identity of a reporting party and the details of the complaint will need to be disclosed to the Respondent, and where necessary, witnesses, before they are asked to respond. In some circumstances, sensitive and confidential information may be redacted. Students will be able to discuss this with the Student Casework Manager before the beginning of this formal process.

***4.2 Where a complaint may affect the planned end date for an apprenticeship, or raise issues or create barriers to successful completion of the apprenticeship, the University will inform the student apprentice's employer and work quickly to implement any required actions.***

## **5. Roles and Responsibilities**

### 5.1 Student Casework Team

The Student Casework Team - this policy and procedure, and their application, are overseen by the Student Casework Team who sit within Student Policy and Safeguarding. Any queries you may have relating to this policy and procedure can be emailed to [student-complaints@bath.ac.uk](mailto:student-complaints@bath.ac.uk)

Any of the functions of the Head of Student Policy & Safeguarding under this policy may be delegated to a member of Student Policy & Safeguarding.

### 5.2 Head of Governance

The Head of Governance oversees the Governance Team. Any of the responsibilities of the Head of Governance as described in this policy can be delegated to another member of the Governance Team.

### 5.3 Head of Department or Service

The Head of Department or Service is normally the Head of Department or Service where the complaint originated. Any of the responsibilities of the Head of Department or Service as described in this policy can be delegated to another member of their Department or Service.

## **6. Definitions**

6.1 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 on a higher education course at the University, or a former registered student whose leaving date is within the last six months. (A student's leaving date is the date of their final award unless they have left the University without completing a final award.)

### 6.2 Chair

The person in charge of the meeting. The chair will set the agenda and ensure all necessary points have been addressed.

### 6.3 Panel

The group of people elected by the chair to investigate the complaint.

### 6.4 Respondent

An identified person or persons that a complaint is made against.

### 6.5 Reporting Party

The student making the complaint.

### 6.6 Witness (Direct/Indirect)

An individual who is asked to provide evidence in relation to the alleged complaint

### 6.7 Conflict of Interest

In order that a fair and objective process is carried out, the University needs to ensure that those involved at each stage of the process do not have a conflict of interest.

The University defines a conflict of interest as a set of circumstances that creates a risk that the individual's ability to apply judgement or act fairly and objectively in a particular case is, could be, or could be perceived to be, impaired or influenced by a secondary interest. This interest might include some personal or working connection to any of the parties involved or their work, such that it could impair their objectivity. For this reason, we ask any individual involved in a Student Complaint case to declare any actual or potential conflicts of interest. The primary obligation rests with the individual to recognise situations in which there is actual, potential, or perceived conflict of interest. The University is keen to support its staff and students and manage potential conflict wherever possible and will ask for declarations at every stage of the process. It is not the intention of the University to intrude on the privacy of individuals, however the University has a statutory obligation to safeguard the health, safety, and welfare of all members of the University. Therefore, it will take any necessary steps to satisfy these responsibilities.

If any party to this procedure has a concern about anyone involved with their case, they can raise by emailing [student-complaints@bath.ac.uk](mailto:student-complaints@bath.ac.uk).

## **7. Support for Students**

7.1 We understand that this process can be difficult, and we strongly recommend that all students seek advice from the SU Advice and Support Centre, which is independent of the University. The SU Advisors can assist with completing forms, preparing for meetings and can attend the meetings as an advisor. Students can arrange a meeting with an advisor by emailing [suadvice@bath.ac.uk](mailto:suadvice@bath.ac.uk)

7.2 We strongly recommend that students seek emotional support from the Student Wellbeing Service or the SU Advice and Support Centre before, during and/or after their involvement with this process.

7.3 Students may be accompanied to any or all stages of this process by a Students' Union representative, a friend, family member or advisor. Accompanying individuals may be allowed

to speak at the discretion of the Chair or the person leading the meeting. Their contribution may include reading a statement on behalf of the student, consulting with them and advising them. However, students will be expected to answer questions themselves. Students are required to notify their Designated Coordinator of the name of anyone accompanying them to meetings, with at least 3 working days' notice, by emailing [student-complaints@bath.ac.uk](mailto:student-complaints@bath.ac.uk)

7.4 We understand that some students may need additional arrangements to fully access this process. This may include reasonable adjustments for disabled students, an interpreter, or other arrangements. You can discuss your needs by emailing [student-complaints@bath.ac.uk](mailto:student-complaints@bath.ac.uk)

7.5 If you would like to raise a concern that anyone party to this process, any colleagues involved in overseeing this process or any panel members may have a conflict of interest, you can raise this with [student-complaints@bath.ac.uk](mailto:student-complaints@bath.ac.uk)

7.6 Parties to this process are encouraged to provide feedback on any aspect of it any stage by emailing [studentpolicy@bath.ac.uk](mailto:studentpolicy@bath.ac.uk)

## **8. Raising a Complaint**

8.1 The University encourages students to provide feedback on their experience through representation of relevant groups and Staff/Student Liaison Committees, evaluation questionnaires and student voice groups.

8.2 Students are encouraged to raise a concern or complaint as soon as possible after the event has taken place, and normally no later than six months from the date the initial issue occurred. We encourage students to report their complaints in a timely manner as this often leads to a more effective investigation and a more immediate remediation for the student.

8.3 A group of students may use this process to make a group complaint where there is a shared complaint against a service, facility or the academic provision of the University. The group may be asked to nominate one student to act as the group representative.

8.4 As far as possible, matters raised as a complaint will remain confidential to those directly involved in the complaint, unless there is a serious risk of harm to the student or to others. However, in the interests of natural justice, the respondent to a complaint has 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. Some of the information about the concern raised may need to be shared with witnesses in order to receive their accounts.

8.5 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 not *usually* be accepted. Exceptionally, an anonymous complaint may be accepted if there is a compelling case supported by considerable evidence. Students should be aware that raising a complaint anonymously may impede the investigation and communication of the outcome. Anonymous feedback can be provided to the University via Staff Student Liaison Committees and through your SU representatives.

8.6 It is presumed that students raising a complaint do so in good faith, however, if a complaint is shown to be vexatious, the complaint shall be rejected and disciplinary action may be taken.

## **Complaints Procedure**

The three stage complaints procedure is as follows:

### **9. Stage 1 - Informal Complaint**

9.1 It is expected that most complaints can be resolved at an early stage by discussing the matter informally at a local level. Where possible 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 a confidential, informal discussion about options available prior to submitting a complaint, or support with handling an informal complaint, please contact: [student-complaints@bath.ac.uk](mailto:student-complaints@bath.ac.uk). Or to discuss with an independent SU Advisor, please email [suadvice@bath.ac.uk](mailto:suadvice@bath.ac.uk)

9.2 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.

9.3 It should be noted that this stage will normally be an informal process via conversation or email but where proportionate to do so any agreed action should be confirmed.

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

### **10. Stage 2 – Formal Complaint**

10.1 If a student has attempted to resolve matters informally but is not satisfied with the outcome, they may submit a formal complaint within 10 working 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. 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). The SU Advisors can assist with completing a complaint form, preparing for meetings and can attend the meetings as an advisor. Students can arrange a meeting with an advisor by emailing [suadvice@bath.ac.uk](mailto:suadvice@bath.ac.uk)

10.2 The student should receive an acknowledgement of receipt of their complaint, from the Student Casework Manager within five working days.

10.3 The complaint will be investigated by the Head of Department or Service of which the complaint is about. If the Head of Department is involved in the matters complained about or it is deemed appropriate to do so, the Head of Student Policy and Safeguarding will nominate another person to carry out the investigation – this will normally be a different Head of Department or Service. If the complaint directly affects the Head of Student Policy and Safeguarding or the Head of Governance, the investigation will be undertaken by a Pro-Vice-

Chancellor. The Head of Department or Service is free to consult The Director of Academic Registry or the Director of Student Support and Safeguarding if they consider it necessary.

10.4 The Head of Department or Service investigating the complaint will normally arrange to meet with the student to discuss their complaint in detail. At this meeting the student will have the right to be accompanied by a friend or advisor. Student Reporting Parties and other parties (Witnesses and Respondents) will attend the meeting separately, unless it is agreed between those involved that it would be more beneficial to have a joint meeting; the final decision will be made by the person investigating the complaint having consulted with those involved. Where a member of staff is the respondent in the complaint, they can be accompanied by a work colleague or Trade Union representative.

10.5 If a student, or other parties to the complaint are unable to attend the arranged meeting, the Department will contact them to reschedule. If a student, or other parties to the complaint fail to attend both meetings, the investigation may be limited and may be concluded in their absence. The meeting can take place in person or via videocall.

10.6 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 or Service. If the respondent to the complaint is present and would like to ask the student questions about their complaint, they may do so via the Head of Department or Service.
- 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 or Service. If the student would like to ask the respondent questions, they may do so via the Head of Department or Service.
- If not present, the Head of Department or Service will make any necessary enquiries.

10.7 The Head of Department or Service will produce a report which outlines the process followed, the information gathered, the conclusions drawn and any recommendations. This report will be sent to the Student Casework Manager for quality assurance prior to sending the report onto the student and respondent, along with copies of any information considered.

10.8 If the complaint is upheld, 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. For quality assurance, the decisions will be overseen by the Head of Student Policy & Safeguarding.

10.9 The student should receive this written response within 60 calendar days following both a submission of a Student Complaints 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.

## 11. Stage 3 - Review by the Student Appeals Panel

11.1 A student can use the Student Appeals Policy and Procedure to submit an appeal (within the bounds of that policy) following notification of the outcome of a Stage 2 Student Complaint. An appeal needs to be submitted within 10 working days of the outcome of a Stage 2 complaint. The SU Advice and Support Centre provide independent guidance on how to appeal, please contact [suadvice@bath.ac.uk](mailto:suadvice@bath.ac.uk).

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

12.1 If the University's internal procedure has not resulted in the resolution of a complaint to the student apprentice's satisfaction, once the institution's internal procedures have been exhausted, the student apprentice can pursue their complaint with the ESFA, where applicable. Alternatively, once the institution's internal procedures have been exhausted, the student apprentice can contact the Office of the Independent Adjudicator for Higher Education (OIA). Where a case is considered eligible, the ESFA or OIA will provide independent adjudication on the resolution of complaints, once the institution's internal procedures have been exhausted. For independent advice on how to pursue a complaint to with the ESFA, information is provided on the gov.uk website. For independent advice on how to contact OIA, student apprentices can contact The SU Advice and Support Centre by emailing [suadvice@bath.ac.uk](mailto:suadvice@bath.ac.uk). The OIA website can be found at: <https://www.oiahe.org.uk/> *[information on ESFA added to paragraph]*

## 13. Monitoring

13.1 All formal complaints received, decisions made and resulting outcomes will be recorded. An annual report to Senate will identify common themes and provide recommendations to improve the service provision and promote best practice. Where there are several complaints regarding a Service, School, or Department these will also be raised with the relevant member of staff to improve student experience. Where there are several complaints regarding the same service, facility, or academic provision this will also be raised with the relevant Head of Department or Head of Service to improve student experience.

## 14. Record keeping

14.1 All records taken under this policy will be held for the recommended period of time for which records should be retained to comply with legal requirements and meet operational needs as defined with the [University Records Retention Schedule](#)

## 15. Related Policies and Procedures

Student Appeals Policy and Procedure  
Dignity & Respect Policy and Procedure  
Staff Disciplinary Policy and Procedure

## 16. Document Control Information

Owner	Cassie Wilson, Pro-Vice-Chancellor for Student Experience.
Version number	1.2

Approval Date	8 June 2022
Approved By	Senate
Date of next review	April 2025

*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 2022*

### 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 Regulation 7 – Disciplinary Regulations for Student *Apprentices*. These issues will normally be dealt with under the Student Regulation 8 – Discipline Procedures for Student *Apprentices*. 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 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 Practise 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 Practise 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)

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 Precautionary Measures Policy).

## 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 ,
- 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

- 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),
- with the consent of the student, **and in agreement with their employer**, 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 Student Appeals Panel. 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 [fitnessstudy@bath.ac.uk](mailto:fitnessstudy@bath.ac.uk)

8.8 *[this regulation does not apply to apprentices]*

## **9. Right of Appeal**

9.1 A student can use the Student Appeals Policy and Procedure to submit an appeal (within the bounds of that policy) following notification of the outcome of a Stage 2 Fitness to Study meeting, within 14 calendar days of the outcome.

## **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.

*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 2022*

**STUDENT APPEALS POLICY – (FITNESS TO STUDY, FITNESS TO PRACTISE, STUDENT DISCIPLINE, STUDENT COMPLAINTS)**

**1. Purpose of Policy**

1.1 The purpose of this policy is to ensure that students have the right to make an appeal, within the bounds of this policy, following an outcome of one of the below procedures.

1.2 The appeals process should:

- Be easy to navigate for students
- Be timely (appeals should normally conclude within 30 calendar days of the appeal being lodged)
- Ensure that clear reasons are given for decisions reached
- Ensure that there is clear and timely communication with the student throughout the process
- Ensure an appropriate level of confidentiality

**2. Scope**

2.1 This appeals policy applies to:

- Student Regulation 8 – Disciplinary procedures for Student *Apprentices*
- The Fitness to Study Policy
- The Fitness to Practise Policy
- The Dignity and Respect Policy – Student Respondents only
- The Student Complaints Policy

2.2.1 Any student who has been:

- The subject of a Fitness to Study process
- The subject of a Fitness to Practise process
- The responding party in the Student Discipline process
- or has completed Stage 2 of the Student Complaints procedure

may submit an appeal using the process below. An appeal is usually made against an *outcome* or *sanction*.

2.3 In addition, *any* student who has been party to any of the above procedures can raise a concern about the *service* they received during this process using the Student Complaints policy *for Apprentices*

### 3. Roles and responsibilities

- 3.1 Responsibilities of the Head of Governance may be completed by themselves or delegated to a nominee.
- 3.2 The term ‘Case Manager’ refers to a member of the University of Bath Governance team. Their role is to oversee the flow of business through the appeals process. This person does not make any decisions regarding the progression or outcome of an appeal.

### 4. Definitions:

#### 4.1 Student:

The term ‘student’ applies to any registered student at the University of Bath, as well as students who have graduated during their initial case, or in the period between their initial case and the appeal being heard.

#### 4.2 The Appeals Panel:

The Appeals Panel will normally comprise three members from the Appeals Panel Pool, at least one of whom is a University of Bath staff member and at least one of whom is an external member. The members of the Appeals Panel will not have been involved with the earlier stages of a student’s case and will have no reasonable perception of bias. All members of the Appeals Panel Pool will have undertaken the training required to fulfil this role. In the case of a Fitness to Practise appeal, a Practitioner from the relevant discipline will act as an advisor to the panel.

### 5. Policy review

If you have any feedback on this policy, or on your experience of this policy or process, please email [studentpolicy@bath.ac.uk](mailto:studentpolicy@bath.ac.uk)

### 6. Related Policies and Procedures

- Student Regulation 8 – Disciplinary procedures for Student *Apprentices*
- The Fitness to Study Policy
- The Fitness to Practise Policy
- The Dignity and Respect Policy – Student Respondents only
- The Student Complaints Policy and Procedure

### 7. Document Control Information

Owner	Rose Stephenson, Policy and Projects Manager, Student Policy and Safeguarding
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## **STUDENT APPEALS PROCEDURE (FITNESS TO STUDY, FITNESS TO PRACTISE, STUDENT DISCIPLINE, STUDENT COMPLAINTS)**

### **1. Conclusion of the original case:**

- 1.1 Following the conclusion of a Fitness to Study, Fitness to Practise or Student Discipline case, the Student Policy and Safeguarding team will notify the Governance Team of the name of the student subject to the process, and the date by which they would need to submit an appeal. Following the submission of an appeal, further information about the case will be shared with the Governance team.

### **2. Submitting an appeal:**

- 2.1 A student can submit an appeal within 10 working days of the outcome of their case. They can do this by emailing [governance@bath.ac.uk](mailto:governance@bath.ac.uk). If there are exceptional circumstances which prevent a student from submitting an appeal within the 10-day timeframe, the student should email [governance@bath.ac.uk](mailto:governance@bath.ac.uk) explaining these circumstances. The Head of Governance and a member of the appeals pool will decide if consideration of the appeal will go ahead. If a student does not submit an appeal in this timeframe, they may email [governance@bath.ac.uk](mailto:governance@bath.ac.uk) to request a Completion of Procedures letter. The Case Manager will ask the Student Policy and Safeguarding team to provide this letter outlining that the student has not completed the University's internal processes.
- 2.2 A student may make an Appeal Case on one or more of the following grounds:
  - a) That there was procedural error in the conduct of the relevant process which may cause doubt as to the determination reached;
  - b) That new evidence has been made available which the student could not reasonably have provided during the relevant process;
  - c) That there was bias during the relevant process which may cause doubt as to the determination reached;
  - d) That the sanction or outcome imposed was disproportionate.
- 2.3 The student should include a completed [Appeals form](#), including:
  - The outcome(s) the student is appealing against
  - The ground(s) the appeal is based on
  - The student's desired action following consideration of the appeal
  - All evidence available to the student in support of the Appeal.
- 2.4 The grounds for appeal will be considered by the Head of Governance and a member of the appeals pool who will decide:
  - a) There are no grounds for appeal. The Case Manager will write to the student informing them that the appeal will not proceed and the reason for this. They will include a Completion of Procedures letter.
  - b) There are grounds for appeal. The Case Manager will convene an Appeals Panel.

### **3. The Appeals Panel**

- 3.1 The Appeals Panel will be made up of three members of the Appeals Panel Pool, at least

one of whom is a member of University of Bath Staff, and at least one of whom is an external colleague. The Panel retains the right to co-opt expertise to advise on individual cases. In the case of a Fitness to Practise appeal, a Practitioner from the relevant discipline will become an advisor to the panel.

- 3.2 The Appeals Panel will be convened by The Case Manager who will write to the student giving at least 5 working days' notice of the panel meeting. Students are entitled to be accompanied by an adviser, family member or friend. Accompanying individuals may be allowed to speak at the hearing at the discretion of the Chair but will not normally be allowed to cross examine witnesses. In addition, disabled students may also be accompanied by a support worker or advisor if required. The student is required to notify the Case Manager of the name of anyone accompanying them to the appeal, with at least 3 working days' notice, by emailing [governance@bath.ac.uk](mailto:governance@bath.ac.uk)
- 3.3 The Appeals Panel may invite the student to provide a verbal or written statement and answer questions from the panel members. The Appeals Panel may invite the Chair of previous stages of the processes to explain earlier decisions and outcomes/sanctions. The Appeals Panel may need to consider any new evidence. New evidence will be thoroughly tested, and this may include speaking to the reporting party or other witnesses.
- 3.4 The Appeals Panel will decide:
  - a) To reject the appeal case, confirming the original outcome (and sanctions in Student Disciplinary cases);
  - b) To uphold the appeal case, and amend the outcome (and/or sanctions in Student Disciplinary cases);

#### **4. Ongoing actions:**

- 4.1 If a student is appealing against outcomes or sanctions of the processes listed above, those sanctions or outcomes will normally still be applied whilst the appeal is ongoing. Any precautionary measures will still apply during the appeals process.

#### **5. Outcomes:**

- 5.1 The outcome of the appeal process will normally be communicated in writing to the student (and all those directly involved) within 30 calendar days of the appeal form being submitted. This will include an explanation of the outcome decision and a Completion of Procedures letter.

#### **6. Support for students:**

- 6.1 We strongly recommend that all students seek advice from the SU Advice centre, which is independent of the University. The SU Advisors can assist with completing an appeals form, preparing for the appeal and can attend the appeal as an advisor. Students can arrange a meeting with an advisor by emailing [suadvice@bath.ac.uk](mailto:suadvice@bath.ac.uk)
- 6.2 The appeals process can be difficult, and we strongly recommend that students seek emotional support from the Student Wellbeing service or the SU Advice centre before, during or after their appeal.
- 6.3 Any student who has been party to the appeals procedure, and would like to raise a concern about the service they received, can do so using the Student Complaints policy *for*

***Apprentices (Appendix 1).***

*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 2022*

## STUDENT PRECAUTIONARY MEASURES POLICY – (FITNESS TO STUDY, FITNESS TO PRACTISE AND STUDENT DISCIPLINE)

If you require this document in an alternative format, such as large print or a coloured background please contact: [safeguarding@bath.ac.uk](mailto:safeguarding@bath.ac.uk)

### 1. Purpose of Policy

1.1 The purpose of this policy is to ensure that the University applies precautionary measures proportionately, consistently, and fairly, to ensure that risks can be mitigated as fully as possible pending processes including Student Discipline, Fitness to Study and Fitness to Practise.

The precautionary measures procedure provides a mechanism to assess risks and apply precautionary measures prior to investigations taking place and any measures or sanctions being applied under other processes such as those outlined above.

The underlying principle for the application of precautionary measures is that the precautionary measures put in place should best mitigate risk and protect the parties involved and the university community.

1.2 The precautionary measures process should:

- Be informed by the known facts of the case and any associated risks
- Be conducted with due regard to the principles outlined above
- Ensure that clear reasons are given for decisions reached
- Ensure that there is clear and timely communication with the student(s) involved throughout the process, and that timelines are shared with parties involved.
- Ensure that support is offered to all parties.
- Ensure an appropriate level of confidentiality is maintained
- Ensure appropriate review in light of any developments to the case
- Minimise any unnecessary impact on parties involved and ensure that all parties are treated with sensitivity.

### 2. Scope

2.1 This Precautionary Measures Policy applies to:

- Student Regulation 8 – Disciplinary Procedures for Student *Apprentices*
- The Fitness to Study Policy
- The Fitness to Practise Policy
- The Dignity and Respect Policy – Student Respondents only

2.2 This Precautionary Measures Policy may be used in relation to other policies where it is appropriate and reasonable to do so.

2.3 In the case of a student being arrested, a Precautionary Measures Panel will be convened as standard procedure.



- 2.4 In cases where a student is also an employee or casual member of staff, advice will be sought from the Deputy Director (HR Services) or Director of HR and due process will be followed in applying any precautionary measures.
- 2.5 Full consideration will be given to the possible implications of any precautionary measures applied; however, the overriding objective of the Precautionary Measures Policy and process is to mitigate risk.
- 2.6 In order to allow the processes to take place under the policies outlined above with due regard to best protecting the parties involved and the university community, an appeal may not be made against precautionary measures.
- 2.7 Any student who has been party to any of the above procedures can raise a concern about their application using the Student Complaints Policy *for Apprentices (Appendix 1)*. The SU (Students' Union) Advice and Support Centre offer independent guidance on how to raise a concern.
- 2.8 Parties to this process are encouraged to provide feedback on any aspect of it any stage by emailing [studentpolicy@bath.ac.uk](mailto:studentpolicy@bath.ac.uk)

### **3. Roles and responsibilities**

- 3.1 Responsibilities of the Chair of the Precautionary Measures Panel may be delegated to a nominee. The Chair will be responsible for decisions made under Precautionary Measures, informed by a panel of advisors.
- 3.2 Where suspension or exclusion is a proposed precautionary measure resulting from a panel meeting, the Chair of the Panel will make a recommendation to a Pro-Vice-Chancellor (PVC) who will review the case and either uphold, amend, or dismiss the proposal.
- 3.3 The secretary to the panel is responsible for convening panel meetings, liaising with the Chair, panel advisors, and compiling reports resulting from the panel meetings.

### **4. Definitions:**

#### 4.1 Student:

The term 'student' applies to any registered student at the University of Bath.

#### 4.2 Party:

The term 'party' applies to any party involved in one of the identified policies or processes who may be at risk as a result.

#### 4.3 Reporting Party:

The person affected or impacted by the alleged misconduct (for example in a Student Disciplinary process).

#### 4.4 Respondent:

The person against whom the allegation is made (for example in a Student Disciplinary process).

#### 4.5 The Precautionary Measures Panel:

The Precautionary Measures Panel will normally comprise:

<b>Chair of the Panel</b>	Head of Student Policy and Safeguarding
<b>Advisors to the Panel</b>	Senior Case Manager Head of Security Services Student Discipline Manager Student Casework Manager Director of Accommodation and Hospitality Services Other relevant staff
<b>Secretary to the Panel</b>	Student Safeguarding Manager

The Precautionary Measures Panel will usually be chaired by the Head of Student Policy and Safeguarding, or another Manager within Student Policy and Safeguarding, in their absence. The Chair may call on other individuals to attend in an advisory capacity. The Chair of the Panel will also seek the views of those involved in the process.

#### 5. Records and Notifications

- 5.1 The Secretary will notify The SU and other teams/ departments within the University *and the student apprentice's employer* of sanctions applied on a 'need to know basis' as determined by the University's administrative and safeguarding responsibilities (i.e., notification of a No Contact Order where the Respondent and the Reporting Party are in the same academic department or SU club).
- 5.2 A Respondent's academic department *and student apprentice's employer* will normally be informed of precautionary measures applied.
- 5.3 All records taken under this policy will be held for the recommended period of time for which records should be retained to comply with legal requirements and meet operational needs as defined with the [University Records Retention Schedule](#)

#### 6. Policy review

- 6.1 If you have any feedback on this policy, or on your experience of this policy or process, please email [studentpolicy@bath.ac.uk](mailto:studentpolicy@bath.ac.uk)

The SU Advice and Support Centre offer independent advice on drafts of written feedback.

#### 7. Related Policies and Procedures

- The Precautionary Measures Procedure
- Student Regulation 8 – Disciplinary procedures for Students
- The Fitness to Study Policy
- The Fitness to Practise Policy
- The Dignity and Respect Policy – Student Respondents only

## 8. Document Control Information

Owner	Cassie Wilson, Pro-Vice-Chancellor for Student Experience.
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Approved By	Senate
Date of last review	June 2022
Date of next review	April 2025

## STUDENT PRECAUTIONARY MEASURES PROCEDURE (FITNESS TO STUDY, FITNESS TO PRACTISE AND STUDENT DISCIPLINE)

### 1. Notification of the need for a Precautionary Measures Panel Meeting

- 1.1 If a risk to a member or members of the University community is identified within the scope of this policy (see section 2 above), it may be necessary to convene a Precautionary Measures Panel meeting. The following staff may contact the Head of Student Policy & Safeguarding to advise this:
- Senior Case Manager
  - Head of Security Services
  - Student Discipline Manager
  - Student Casework Manager
- 1.2. Upon receipt of the information related to the risk, the Head of Student Policy & Safeguarding will determine whether a Precautionary Measures Panel meeting is necessary, and convene the meeting as required.
- 1.3 Relevant papers, including a meeting agenda, information on the case, and risk assessment proformas, will be circulated to attendees prior to the meeting, by the Student Safeguarding Manager. Attendees will consider the information and complete relevant sections of the risk assessment prior to the meeting, to enable a focused discussion to take place at the panel meeting.

### 2. Structure of the panel meeting

- 2.1 The panel meeting will follow a set agenda as follows:

Item	Person responsible
1. Overview of the case	Secretary
2. Presentation of relevant information that has come to light since papers were circulated	Members
3. Risks to the/each student party	All
5. Risks to other stakeholders	All
6. Risk assessment proformas finalised for each party; Precautionary measures to be decided	Chair

7. Communication to be agreed	Chair
8. AOB	All

- 2.2 The panel will consider the risks for each student party, any other stakeholders, the University community, and a risk assessment will be completed. The proforma for the risk assessment may be partly completed prior to the meeting and should be fully completed by the end of the meeting. The risk assessment will consider what actions can be taken to mitigate risks and provide appropriate support for students affected.
- 2.3 The panel will consider any risks to the wider community and other stakeholders including those external to the University. The risk assessment will consider what actions can be taken to mitigate risks and provide appropriate support for stakeholders affected.
- 2.4 Having considered the risks fully, based on the information available, the panel will determine which precautionary measures, if any, should be applied. The Chair of the panel may apply the full range of precautionary measures with the following exceptions:
- In the case of suspension or exclusion being proposed as a precautionary measure, a recommendation will be made to the Pro-Vice-Chancellor by the Chair, in the form of a report following the meeting. The Pro-Vice-Chancellor will decide whether to uphold the decision to suspend/exclude.
  - In the case of precautionary measures involving SU activities, the panel will seek approval from the SU prior to implementing those precautionary measures.
- 2.5 Precautionary Measures can include some or all of the following, or other measures that the panel agrees are appropriate:
- Change of accommodation
  - No contact order
  - Exclusion from areas of campus, or from the entire campus
  - Move to remote learning
  - Suspension from study
- 2.6 The panel will consider any necessary communication that should take place regarding the precautionary measures agreed, and this will be recorded in the meeting report. The Chair will consider that stakeholders will usually be informed on a need-to-know basis: students involved, others at risk, *the student apprentice's employer*, etc, informed by the risk assessment.
- 2.7 The Secretary to the panel will be responsible for disseminating the agreed communication from the panel meeting. This will usually include letters to any parties who are subject to precautionary measures, and precautionary measures notifications to relevant staff *and the student apprentice's employer*. All notifications will be sent within 3 working days.
- 2.8 The Panel will agree review dates and the process for information sharing following the panel meeting. In the case of a police investigation, the point of contact for any developments in the case will be confirmed. All cases will be monitored on at least a monthly basis. The panel will be reminded that it is the responsibility of students to keep the panel informed of any developments. Students will have an identified single point of contact with whom to communicate. Following the Precautionary Measures Panel meeting, a report will be written by the Secretary to record the decisions of the panel. This report

will be shared with the Pro-Vice-Chancellor and all related documents made available to them.

*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 2022*