



# STUDENT REGULATIONS HANDBOOK 2009/2010

**POSTGRADUATE TAUGHT STUDENTS**

**Incorporating the Common Postgraduate Credit  
Scheme**

July 2009



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**Glossary of Terms and Abbreviations**

Academic Misconduct	An attempt by a student to gain advantage during assessment by unfair or improper means or any other contravention of assessment regulations. This encompasses all forms of cheating.
AP(E)L	The formal procedure whereby prior learning which has taken place outside the University, certificated or experiential, is accredited by the University for the purpose of admission to, or progression on, a course of study.
Appeal	The formal procedure whereby a student challenges a decision made regarding his/her performance in assessment. Disagreement with academic judgement does not constitute grounds for appeal.
Assessment	The processes and mechanisms through which the quality and standard of a student's work is measured and evaluated.
Assessment Board	The generic term for a board of examiners at the University. The University has a 2-tier assessment system, comprising Unit Assessment Boards and Progression & Award Boards.
Assessment Requirement	What needs to be done as a means of demonstrating attainment of a unit's learning outcomes.
Award	The academic qualification conferred upon a student who has successfully met and completed the requirements of a specific course of study.
Classification	The banding into which candidates who have successfully met and completed the requirements for the award of a BA honours degree are placed, i.e. First Class Honours, Upper Second Class Honours, Second Class Honours, Third Class Honours
Compensation	Where a candidate fails marginally in meeting the necessary pass mark for a unit but where the candidate's failure is offset by his/her performance in other units. Specific qualifying criteria apply (see Assessment Regulations, section 4.7).
Course	A validated combination of units which leads to a designated award.
Course Leader	The member of staff responsible for the management and organisation of a Course of Study.
Credit	A numerical value ascribed to a unit of study, related to the learning outcomes and the notional time judged necessary to achieve them. Each unit carries a credit rating: a full unit is rated at 15 credit points; a double unit rated at 30 credit points.

Discretion	The prerogative of a Progression & Award Board to uphold or negate a specified course of action or outcome.
Extension	An approved change to a published deadline for the submission of a piece of coursework or other assessment component where a student has valid reason for being unable to meet that deadline.
External Examiners	Relevant subject experts, either academic or professional, from outside the University who moderate the assessment of students and contribute to the maintenance of academic standards in all courses of study at the University.
Failure	Where a student has not successfully met the assessment requirements of a unit of study. It is usually retrievable through the provisions governing Referral or Retake (see Assessment Regulations, sections 4.9 and 4.10).
Field Studies	<p>Periods of study arranged external to the University as part of the curriculum and undertaken in groups supervised by a member of staff.</p> <p>Field studies normally require a period of absence from the University of more than 24hrs; otherwise they are classed as Educational visits.</p> <p>The planning and conduct of Field studies must conform to the procedures, regulations and codes of conduct of the University. Field studies may have specific outcomes or be an integral part of a unit of study.</p>
Graduation	The annual ceremony at which awards are formally conferred upon eligible students.
Induction	A process of introduction for students and staff to their rights and responsibilities within the academic community and to the University's functions, processes and services.
Interruption	A point at which it is determined that a student has temporarily suspended study. This may be requested either by the student for personal reasons or by an Assessment Board in order that the student may retrieve failure. It may also be required by the University where the student's health is profoundly affecting the safety and well-being of the community.
Learning Outcomes	That which has been learned or a student is able to do as a result of study or training.
Level	Each unit carries a level rating, which denotes the classification of the relative academic complexity of learning outcomes associated with units. The level rating does not necessarily coincide with the year/ stage of full-time study.

Mark	The result of assessment based on a numerical scale
Mitigating Circumstances	Serious illness or other form of exceptional and unforeseen interference which has adversely affected a student's performance in assessment.
Optional units	Students may choose from a number of optional units, where these have been designed as part of a validated course. Students may not choose units from other courses, unless such units are a validated option on the award for which they are registered.
Pass	Where a student has successfully completed assessment requirements to the satisfaction of the Assessment Board.
Pathway	A specified combination of units which a student must complete as a major component in a course
Personal Tutor	<p>All students in stages 1 and 2 are assigned a Personal Tutor. The role of the personal tutor is to maintain an overview of an individual student's profile and provide advice on a student's overall progress.</p> <p>Personal tutors meet with their tutor groups following the publication of stage assessment profiles. Personal tutors also meet individually with any student who is perceived to have potential problems. The personal tutor may refer students to other sources of advice and support as appropriate.</p>
Placement	The temporary deployment of a student within a public or private enterprise, as part of a validated course of learning and assessment
Plagiarism	A form of cheating, involving the presentation of work for assessment containing the unacknowledged work or ideas of some other person(s). It is not plagiarism if the other person's material is acknowledged by a candidate as the work of another through the use of quotation or attributed paraphrasing, although an Assessment Board will not expect a candidate to rely too heavily on the direct use of quotations or attributed paraphrasing.
Progression	<p>Movement from one stage to the next stage of a course. Progression is subject to successfully obtaining the required number of credits and is confirmed by the Progression &amp; Award Board.</p>
Progression & Award Board	Sub-committees of the Academic Board, these Assessment Boards have responsibility for determining the progression of students and, when students have met the requirements for the award, the level and where appropriate the title of the award to be received. The Boards also determine Retake requirements.

Referral	The means whereby a student is granted a further opportunity to be assessed in a unit, following initial failure. The opportunity is subject to qualifying conditions, and so may not be available to every student (see Assessment Regulations, section 4.9).
Regulations	The body of policies, rules, schemes and procedures which are deemed to govern the student's relationship with the University.
Retake	<p>The means whereby a student is able to retrieve failure following Referral. This opportunity is subject to qualifying conditions, and may not therefore be available to all students (see Assessment Regulations, section 4.10).</p> <p>If a unit is failed due to the non-submission of an assessment requirement, there is no opportunity for referral, and a student will receive an automatic retake (this opportunity is also subject to qualifying conditions).</p>
Semester	The academic year is divided into two Semesters, Semester 1 and Semester 2, each with 16 weeks of which 15 are taught weeks.
Stage	The period of time leading up to a formal point of progression or award.
Termination	Where it is determined that a student has failed to meet the requirements for progression or award and must withdraw from the course of study. This decision can be reached on academic grounds, following Retake and, where appropriate, Referral. A course of study can also be terminated where a student has breached specific course and/or general University regulations (see University Rules for Student Conduct).
Transcript	A formal record of a student's achievement in individual units of study, including unit titles, unit levels, unit credit ratings, unit marks and date units completed.
Unit	A self contained unit of study. Each unit has a set of specific learning outcomes.
Unit Assessment Board	The Assessment Board is responsible for confirming overall unit marks for all units assigned to it. It agrees upon the outcome of a student's performance in assessment in relevant units and determines the appropriate method of retrieval to be undertaken by candidates who do not successfully meet initial pass requirements of units.
Unit Leader	The member of staff responsible for the management and organisation of a designated unit.

Withdrawal

Where a student confirms that he/she no longer wishes to continue studying at the University.

## 1. INTRODUCTION

This Handbook contains important information for full-time and part-time higher education students of the University for the Creative Arts at Canterbury, Epsom, Farnham, Maidstone and Rochester.

Its aim is to provide details of the context and operation of the University's regulations which affect academic quality and student behaviour. The regulations outline some of the University's requirements of students but also indicate various rights that students have.

You should familiarise yourself with each section as it is your responsibility to understand and act upon these regulations at all times. Ignorance of the requirements of the regulations cannot be accepted as a reason for failure to comply with them.

If you have any questions regarding the context of this document in the first instance please contact your Course Leader or Registrar. If you believe that something is going wrong with your course it is important that you raise the issue as soon as possible, otherwise it may become impossible for the University to attempt to rectify matters.

You are reminded that you are at the University to study. It is therefore assumed that you will take all steps necessary to attend classes, lectures, seminars and workshops, that you will not pursue one element of study to the detriment of another and that you will abide by the assessment deadlines.

There are occasions when it may become necessary to revise or otherwise amend these regulations. Where this is deemed necessary by the University then revisions will be made, following consultations with representative student groups (normally the Students' Union).

## **2. ORGANISATION AND MANAGEMENT OF THE UNIVERSITY**

### **2.1 Committee Structure**

Management and performance of courses is effectively monitored through the committees and groupings below. The University seeks to respond positively to suggestions for development, and values the views of its students who are represented at these meetings, either directly or via the Students' Union (SU) officers.

### **2.2 The Academic Board**

The Academic Board has overall responsibility for overseeing the academic work of the University and, in particular, the delivery of courses. This includes ensuring that effective arrangements for the validation and review of courses, quality assurance, and assessment are in place.

### **2.3 Academic Policy, Quality & Standards Committee (APQS)**

The Academic Policy, Quality & Standards Committee is responsible for overseeing the planning, approval, monitoring and enhancement process for all academic provision, and for major changes to existing courses, and to advise on all matters relating to curriculum and course development. It is the responsibility of the Committee to ensure that the University's portfolio of courses and their academic environment are in accordance with the University's Mission and Strategic Aims, and compliant with relevant internal and external regulations and requirements.

### **2.4 Board of Study (BS)**

Boards of Study have responsibility for overseeing the maintenance and enhancement of the academic standards of course provision, and confirming the direction of academic development, subject to the requirements of the Academic Board and the University's Mission Statement and the Strategic Plan. A Board of Study may establish sub-committees, as approved by Academic Board, to support it in the conduct of its business.

### **3. ORGANISATION AND MANAGEMENT OF THE COURSE**

#### **3.1 Subject Board of Study (SBoS)**

The main responsibility for implementing decisions of the Academic Board and Board of Study lies with your Subject Board of Study. It meets regularly to consider academic issues relevant to each course within the subject area, recommend policy changes and monitor course performance.

#### **3.2 Staff and Student Consultative Meetings**

Other less formal meetings are held regularly with individual year groups within the course. These allow a broad section of students to exchange information, note arrangements and raise issues for immediate action, where appropriate, by course staff. These meetings are purely advisory; all formal business is conducted through Subject Board of Study.

#### **3.3 Quality Assurance Procedures: Validation, Monitoring and Review**

3.3.1 Responsibility for Academic Monitoring lies with the Academic Policy, Quality & Standards Committee on behalf of the Academic Board and is co-ordinated through the Quality & Standards Department. Academic Monitoring has three components: Validation, Annual Academic Monitoring and Periodic Review.

3.3.2 Validation is the process by which all new courses or components of courses (e.g., units) are formally established and academically confirmed by the University. Validation ensures that all provision is consonant with the University's mission statement and strategic plan. It also assures the University and its stakeholders that appropriate expertise, experience and resources are available to secure academic standards of provision.

3.3.3 The purpose of Annual Academic Monitoring is to assure the University that the quality and standards of all academic provision are secure. The course team prepares an evaluative report which considers the views of staff, students, externals and others who contribute to the delivery of courses; and which also considers student achievement. An intended outcome of the process is to ensure that quality enhancement in the provision of all academic courses is regularly monitored and sustained, as well as confirming that the course's stated aims and objectives are being met.

3.3.4 The report, together with an associated action plan, is considered by the Subject Board of Study and confirmed by the Board of Study. The Executive Dean, as Chair of the Board of Study, prepares an overview report and action plan which comments on any issues emerging from the subjects and courses for which the Board of Study has responsibility. The report and action plan are considered by the University's Academic Policy, Quality & Standards Committee. The Committee also receives reports on learning resources; on staff development; and on academic services provision. Following presentation

of these reports, a University -wide Quality Action Plan is developed and presented to Academic Board for approval.

- 3.3.5 Periodic Review, which is normally conducted on a five-year cycle, differs from Academic Monitoring in that it provides courses and management with a longer-term view of provision and confirms its continued appropriateness. The Periodic Review process also ensures that strategic decisions about the nature of provision, particularly where significant changes are being considered, are critically aligned with the University's strategic aims and objectives.

**4. EXAMINATION REGULATIONS**

- 4.1 Candidates are advised to arrive 10 minutes before the time of commencement of their examinations.
- 4.2 A candidate may only enter the examination room when authorised to do so by an invigilator.
- 4.3 Each candidate is required to be in possession of his/her Student Enrolment Card at every examination which he/she is attending. He/she is responsible for ensuring that this card is displayed on his/her examination desk for reference by an invigilator.
- 4.4 A candidate must bring his/her own pens, pencils, ink, ruler and other drawing instruments as deemed necessary; unless notified to the contrary, a candidate may also bring and utilise an electronic calculator if required.
- 4.5 Candidates are prohibited from bringing or using:
- electronic calculators which perform functions other than those which are purely numeric;
  - text or electronic dictionaries of any kind;
  - beepers, pagers or cellular telephones;
  - any personal stereo equipment.
- 4.6 Mathematical or other data tables may only be used when issued by the invigilator.
- 4.7 Where a candidate brings into the examination room any notes, drawings, tracing or books other than those which are authorised and permissible for his/her Course of Study, it is the responsibility of the candidate to give them up at once to the invigilator. Possession by a student of any unauthorised material during the course of an examination shall be deemed to be evidence of attempting to complete the assessment by unfair means, and will be referred for action under the University's procedures governing Academic Misconduct (see Appendix 2).
- 4.8 Candidates are not permitted to smoke in the examination room. No student may bring food or drink into the examination room unless authorised to do so by an invigilator.
- 4.9 Candidates can be admitted up to 30 minutes after the start of the examination. However no extra time will be allowed to a student who arrives later than the due time of commencement of the examination. The time of arrival and reason for lateness should, however, be noted by the Invigilator as this information may be required by the Unit Assessment Board.
- 4.10 Candidates who arrive later than 30 minutes after the start of the examination will not normally be admitted.

- 4.11 Candidates will normally be allowed five minutes before the commencement of the examination to read and check their papers. During this period students should complete the cover of their answer book with their name and student number etc. Candidates may not write in their answer books or write notes until the invigilator announces that they may do so.
- 4.12 Students are required to use only the approved examination stationery. Rough work must be completed on the approved examination stationery and handed in with the worked script. Except where otherwise stated on the question paper all answers must be written in English.
- 4.13 No candidate shall communicate or attempt to communicate with another candidate in the examination room. Any attempt to do so during the course of an examination shall be deemed to be evidence of attempting to complete the assessment by unfair means, and will be referred for action under the University's procedures governing Academic Misconduct (see CUCS 4.19 and Appendix 2).
- 4.14 If a candidate wishes to ask a question, he/she should raise his/her hand and wait until the invigilator is able to attend to him/her. He/she should ensure that he/she is not causing any disturbance to other candidates when so doing.
- 4.15 A candidate who wishes to temporarily leave the examination room must first obtain the express permission of the invigilator. Any candidate who leaves the examination room without the express permission of an invigilator shall be deemed to have withdrawn from the examination and shall not be allowed to re-enter the room.
- 4.16 Candidates are prohibited from permanently leaving the examination room until one hour after the commencement of the examination. Where a candidate seeks to permanently leave the examination room after the first hour, he/she must gain prior permission from the invigilator, to whom the candidate must personally hand in his/her script.
- 4.17 Candidates must cease writing after the invigilator has announced the expiration of the time allowed for the examination, other than for the purpose of completing information required on the cover of the answer book.
- 4.18 At the end of the examination candidates should remain seated until the scripts have been collected and counted by an invigilator, and they are advised that they can leave. Candidates should then leave the room quickly and quietly, giving due consideration to other candidates who may be undertaking examinations other than their own.
- 4.19 To avoid disturbance to others, students may not leave the examination room during the last thirty minutes of the examination.
- 4.20 Any candidate found culpable of contravening these regulations or conducting other irregular behaviour during an examination will be dealt with according to

University's procedures governing Academic Misconduct (see CUCS 4.19 and Appendix 2).

## 5. UNIVERSITY RULES FOR STUDENT CONDUCT

### 5.1 Authority

These Rules are made under the University's Articles of Government (Article 12.2):

- 5.1.1 The Board of Governors, after consultation with the Academic Board and representatives of the students, shall make rules with respect to the conduct of students, including procedures for suspension and expulsion.

### 5.2 Context

5.2.1 The Rules which are set out below are applicable to all students of the University, whether full-time or part-time, while they are in their student roles. In particular they apply on University premises but may, where appropriate, apply to off-campus activities which may also be outside normal term-times.

5.2.2 These Rules have general application. They should be read in conjunction with specific regulations covering academic requirements, including the requirements of particular physical areas of the University as well as equal opportunities and freedom of speech.

5.2.3 Students found in breach of any of these rules may be subject to a disciplinary hearing that could put their study at the University at risk.

### 5.3 Rules of Conduct

i) **General**

Students are expected to behave in a manner consistent with their membership of the University community and with their status within it. At all times, whether on or off University premises, students are expected to avoid conduct likely to bring the University into disrepute.

ii) **Legal Relationship**

Students are expected to act within the law of England and Wales - for instance with regard to offences against persons or property or the possession of forbidden substances or illegal weapons. Any offence against such criminal or civil law shall automatically be an offence against University Rules.

iii) **People**

Students are expected to behave in a considerate manner towards staff, fellow students, and visitors. In particular, rights to freedom of expression must be respected and there shall be no harassment on sexual, ethnic, racial or other grounds. Students must not impede staff in the performance of their duties and must comply with instructions issued by any member of staff at any time.

- iv) **Property**  
Property must be respected whether it belongs to the University, to the Students' Union, or to individuals. It must not be moved without due authorisation, or damaged.
- v) **Premises**  
University premises must not be damaged or defaced in any way. Access shall be restricted to areas which are made available for students' work or for their social, recreational or residential use. Access to other areas, such as roofs, maintenance workshops and storerooms and boiler rooms, is forbidden. Within areas of authorised access, restrictions over time or mode of use must also be observed. This includes all 'no smoking' restrictions.
- vi) **Health and Safety**  
Students must familiarise themselves with, and observe, all health and safety regulations both for the University in general and for particular areas which they use, e.g. workshops or residential accommodation.
- vii) **Noise and Nuisance**  
Noise, including the playing of music, must at all times be kept to a volume unlikely to offend or distract others. Similarly, activities in public areas which constrict their use by others must be avoided. Mobile phones must be switched off in the teaching areas, workshops, Library & Learning Centres and during assessment. Litter must not be left anywhere.
- viii) **Vehicles**  
Private vehicles, which must be fully registered and taxed and must display a University permit, may be parked on the campus only in authorised places. Sleeping overnight in parked vehicles on campus is forbidden.
- ix) **Visitors**  
Students may bring visitors to the University subject to any local restrictions (e.g. to workshops only with the permission of the academic staff, or to the Students' Union only in accordance with membership rules). Hosts shall be responsible for the conduct and safety of their guests. Rules for visitors apply, in particular to any children brought into the University.
- x) **Academic**  
Students are expected to apply themselves diligently to their studies and, in particular, to comply with attendance requirements and to submit essays and other work as prescribed. Non-attendance and/or non-submission of required assessment may result in the suspension or termination of studies at any time. Such powers of suspension or expulsion rest ultimately with the Vice-Chancellor but are normally delegated to the Executive Dean. Accordingly, the Executive Dean may, on the recommendation of a Course Leader, suspend or terminate

studies. There shall be a right of appeal to the Vice-Chancellor against such a decision.

**Financial**

The admission of students, their continuation on courses and their approval of their final award is dependent on the prompt payment of all fees, charges and rents required by the University.

xi) **Students under 18 Years of Age**

Students under the age of 18 are not permitted to use any workshop equipment or machinery without the permission and supervision of a member of University staff associated with their programme of study. Students under the age of 18 are not permitted to leave the University premises without the permission of a member of staff associated with their programme of study.

5.4 Disciplinary Procedures

5.4.1 Non Academic Misconduct

Subject to the responsibilities of the Board of Governors, the Vice-Chancellor is responsible under article 1.1.1 of the Articles of Government for the maintenance of student discipline and, within these Rules and Procedures provided for within the Articles, for the suspension or expulsion of students on disciplinary grounds. The ultimate responsibility for student conduct rests with the student. Any student studying or registered at the University shall be subject to disciplinary measures if he or she is found to be guilty of misconduct as defined below. The essence of misconduct under these regulations is:

- a) Improper interference with the functioning or activities of the University, or of those who work or study in the University; or
- b) Action which otherwise improperly damages the University or its reputation.

In particular, the following shall constitute misconduct, whether occurring on University premises or elsewhere:

- a) Any conduct which constitutes a criminal offence
- b) Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University
- c) Obstruction of, or improper interference with, the functions, duties or activities of any student or member of staff of the University, or any visitor to the University
- d) Violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language

- e) Sexual or racial harassment of any student or member of staff of the University, or any visitor to the University
- f) Fraud, deceit, deception or dishonesty in relation to the University or its staff, students or visitors
- g) Theft, misappropriation or misuse of University property, or the property of the University's staff, students or visitors, including computer misuse
- h) Misuse or unauthorised use of University premises
- i) Damage to University property, or the property of the University's staff, students or visitors, caused intentionally or recklessly
- j) Action likely to cause injury or impair safety on University premises
- k) Failure to respect the rights of others to freedom of belief and freedom of speech
- l) Breach of the provisions of any University code, rule or regulation
- m) Failure to disclose personal details to a member of staff of the University in circumstances in which it is reasonable to require that such information be given
- n) Failure to comply with a reasonable instruction relating to discipline, issued with the Vice-Chancellor's authority

The complaint may be brought by a member of staff, from another student, or from a member of the public. Academic Misconduct is defined in the Assessment Regulations and Appendix 2 in the Student Regulations Handbook.

#### 5.4.2 Involvement of the police and criminal courts

- 5.4.2.1 The following procedures apply where alleged misconduct is reported to the Deputy Vice-Chancellor and the misconduct, if proved, would also constitute an offence under the criminal law. A serious offence is one that is likely to attract an immediate custodial sentence if proved in a criminal court or one that can be tried as a criminal offence only at the Crown Court.
- 5.4.2.2 Where the Deputy Vice-Chancellor does not regard the alleged misconduct as constituting a serious offence, it may be dealt with internally. If the offence is reported to the police, the Deputy Vice-Chancellor may decide to defer action until the police and courts have dealt with the matter.
- 5.4.2.3 If the Deputy Vice-Chancellor regards the alleged offence as serious, no internal disciplinary action other than suspension or exclusion from the University will normally be taken until the matter has been

reported to the police, and either a prosecution has been completed or a decision not to prosecute has been taken.

5.4.2.4 The University has the right to report any criminal offence to the police. However, if a person claims to be the victim of a serious offence committed by a student, but does not want the police to be involved, the Deputy Vice-Chancellor may agree not to report the matter to the police. In such circumstances the University will not normally proceed with internal disciplinary measures for the serious offence, although it may take disciplinary action over other related offences.

5.4.2.5 Where a finding of misconduct has been made under these regulations, and a student has also been sentenced by a criminal court on the same facts, the penalty imposed by the criminal court will be taken into account in deciding the penalty under this procedure.

#### 5.4.3 Suspension or Exclusion

5.4.3.1 A student who is the subject of a complaint of misconduct or against whom a criminal charge is pending or who is the subject of police investigation, may be suspended or excluded from the University by the Deputy Vice-Chancellor, pending disciplinary hearing or trial.

5.4.3.2 A student who is suspended is prohibited from entering University premises and from participating in University activities. Suspension may be subject to qualification, such as permission to take an examination. The terms of the suspension will be notified in writing to the student. An order of suspension may include a requirement that the student shall have no contact with a named person or persons.

5.4.3.3 A student who is excluded from the University has restricted rights to enter University premises including its residential accommodation and to take part in University activities. The terms of the exclusion will be notified in writing to the student. An order of exclusion may include a requirement that the student shall have no contact with a named person or persons.

5.4.3.4 Orders of suspension and exclusion pending a disciplinary hearing or trial are to be used only where necessary to protect a member or members of the University community, or the property of the University or the property of a member or members of the University community. Written reasons for the decision will be recorded and made available to the student.

5.4.3.5 Unless the matter is deemed to be urgent by the Deputy Vice-Chancellor, no student shall be suspended or excluded unless he or she has been given an opportunity to make representations to the Deputy Vice-Chancellor. The representations may be made in

person or in writing, as the student chooses, and may be put forward by the student or by the student's advisor, friend or representative. In cases deemed to be urgent by the Deputy Vice-Chancellor, a student may be suspended or excluded with immediate effect. An opportunity will be given to the student to make representations as soon as reasonably practicable.

5.4.3.6 A decision to suspend a student, or to exclude a student from academic activities associated with the student's course of study or from the residential accommodation shall be subject to review at the request of the student after four weeks. Such a review will not involve a hearing, but the student, either personally or through his or her advisor, friend or representative, will be entitled to make written representations. The review will be conducted by the Deputy Vice-Chancellor.

5.4.3.7 In addition to the initial review, the Deputy Vice-Chancellor shall review the suspension or exclusion on receipt of evidence of altered circumstances which might affect the order.

A student may appeal to the Vice-Chancellor against an order of suspension or exclusion.

#### 5.4.4 Investigation

5.4.4.1 Whenever possible, the University believes that minor complaints should be dealt with informally between the individuals involved. Where a satisfactory resolution is not possible by this approach or the complaint is of a serious nature, the complaint should be brought formally to the attention of the appropriate Dean or, in the case of complaints relating to residential accommodation, the Accommodation Officer.

5.4.4.2 Normally, the Dean or Accommodation Officer, as appropriate, will undertake an investigation to determine the substance of the allegation. This may include taking statements from staff and other students. The student involved in the allegation may be accompanied by a friend, student representative or other representative to any meetings which they are required to attend to discuss the complaint.

5.4.4.3 Upon the conclusion of the investigation, the Dean/Accommodation Officer may take one of the following actions:

- i) dismiss the allegation;
- ii) impose a summary penalty (but only if the student agrees in writing, having had options iii) and iv) below explained to them and also the fact that there is no appeal from this decision) and

produce a short written report setting out the decision and reasons;

- iii) refer the matter to the Executive Dean or Residential Services Manager, as appropriate, with an opinion that a case exists which should be the subject of a hearing before the Executive Dean or Residential Services Manager;
- iv) if sufficiently serious in the opinion of the Dean/Accommodation Officer, refer the matter to the Executive Dean/Residential Services Manager; or, after discussion with the Executive Dean/Residential Services Manager, to the Deputy Vice-Chancellor.

#### 5.4.5 Referral to Executive Dean or Residential Services Manager

5.4.5.1 A student requested to appear before the Executive Dean or Residential Services Manager to discuss the allegation has the right to be accompanied by a friend, student representative or other representative and shall be given in writing not less than five working days notice of the hearing, along with a copy of the report of the Dean or Accommodation Officer, as appropriate.

5.4.5.2 Upon the conclusion of the hearing the Executive Dean/Residential Services Manager may take one of the following actions:

- i) dismiss the allegation
- ii) support the allegation and impose an appropriate penalty as set out in paragraph 5.4.7.3 (i) to (vi) below
- iii) refer the matter to the Deputy Vice-Chancellor for further action in the form of a written report which should be made available to the student.

The Executive Dean/Residential Services Manager will inform the student of the outcome of the hearing in writing within five working days of the hearing.

5.4.5.3 A student may appeal against the findings of the Executive Dean/Residential Services Manager and/or the penalty imposed to the Deputy Vice-Chancellor in writing, setting out the full grounds of appeal, within five working days of being informed of the outcome of the hearing, on the following grounds only:

- i) that the finding should be overturned in the light of new evidence;
- ii) that the original hearing was not conducted fairly; or

- iii) that the finding of guilt was unreasonable in the light of the findings of fact; or
- iv) that the penalty was too severe in the circumstances.

- 5.4.5.4 If grounds for the appeal are accepted, the Deputy Vice-Chancellor may choose to investigate in whatever reasonable manner he/she sees fit.
- 5.4.5.5 A student requested to appear before the Deputy Vice-Chancellor to discuss the allegation has the right to be accompanied by a friend, student representative or other representative and shall be given in writing not less than five working days notice of the hearing.
- 5.4.5.6 There will be no entitlement to a re-hearing of the case, which will be allowed only in exceptional circumstances. The Deputy Vice-Chancellor may impose a lesser or greater penalty, having considered whether the original penalty imposed was fair and reasonable in light of all the circumstances of the case.
- 5.4.5.7 The Deputy Vice-Chancellor will inform the student in writing within five working days of the conclusion of the investigation of his/her findings.

#### 5.4.6 Referral to Deputy Vice-Chancellor

- 5.4.6.1 If the Executive Dean/Residential Services Manager, in consultation with the University Secretary, considers that the outcome of an investigation may be exclusion, suspension or expulsion, the matter shall be referred to the Deputy Vice-Chancellor.
- 5.4.6.2 Where the complaint involves interference with fire extinguishers, fire alarms, fire doors or any other safety equipment installed e.g. smoke/fire detectors within residential accommodation and the student has already received a final written warning and/or a summary penalty for a previous offence, the Deputy Vice-Chancellor will take action to expel the student from the residential accommodation by terminating the student's licence to occupy the residential accommodation, without further reference to a Disciplinary Panel.
- 5.4.6.3 In respect of all other complaints forwarded to the Deputy Vice-Chancellor, he/she will convene a Disciplinary Panel, comprising 2 members of the Senior Management Team and a representative of the Students Union, to consider the allegation on his/her behalf. The Deputy Vice-Chancellor shall appoint one of the Panel as Chair. The Deputy Vice-Chancellor may also appoint a further individual to advise the disciplinary panel (who may be a lawyer). The University Secretary shall be appointed to conduct the investigation of the

complaint for presentation to the Disciplinary Panel and may do so personally or by a representative.

- 5.4.6.4 The Disciplinary Panel shall conduct a hearing of the complaint. The Deputy Vice-Chancellor shall establish rules of procedure for the hearing. These shall include:
- i) the student shall be given in writing not less than 10 working days notice of the hearing together with the allegation and copies of any statements or other written evidence in support of the allegation
  - ii) the student shall, not less than 5 working days before the hearing, forward to the Chair of the Disciplinary Panel a written statement and other supporting evidence (if appropriate) in response to the allegation
  - iii) the student shall have the right to appear before the Disciplinary Panel to discuss the allegation and has the right to be accompanied by a friend, student representative or other representative.
  - iv) the University Secretary shall present the complaint, and any supporting evidence, to the Disciplinary Panel, may call witnesses and question the student.
  - v) the Disciplinary Panel shall give the student whose actions are under consideration the opportunity, either personally or by his/her representative, to address it orally, present documentation, call witnesses and question witnesses called by the University Secretary.
  - vi) the Disciplinary Panel shall question the witnesses for and against the student, as appropriate.
  - vii) both the University Secretary and the student (either personally or by their representatives) shall have the opportunity to summarise the evidence for and against the complaint.
  - viii) If in exceptional circumstances the Panel deems it appropriate, it may adjourn the hearing for a short period to allow further investigation of the relevant evidence.
- 5.4.6.5 The Panel, having considered the case, shall make a recommendation to the Deputy Vice-Chancellor within 5 working days following the conclusion of the hearing that one of the following actions should be taken:
- i) dismiss the allegation

- ii) support the allegation and recommend to the Deputy Vice-Chancellor that
  - a) the student be excluded for a period to be determined by the Deputy Vice-Chancellor or
  - b) the student be suspended for a period to be determined by the Deputy Vice-Chancellor or
  - c) or the student be expelled or
  - d) another penalty appropriate to the seriousness of the offence be imposed, within paragraph 6.4.7 below, taking into account any due precedent.

5.4.6.6 The student shall be advised in writing, within 10 working days following the conclusion of the hearing, of the Deputy Vice-Chancellor's decision and, if appropriate, the penalty to be awarded.

#### 5.4.7 Penalties

5.4.7.1 If a student is found guilty of a complaint of misconduct, penalties may be imposed by the Dean/Accommodation Officer in the case of matters dealt with summarily, and by the Executive Dean/Residential Services Manager or by the Deputy Vice-Chancellor. The Dean and the Executive Dean may not impose a penalty of exclusion, suspension or expulsion from the University. The Accommodation Officer and the Residential Services Manager may not exclude a student from residential accommodation or suspend or terminate the student's licence to occupy residential accommodation.

5.4.7.2 When determining the penalty, consideration will be given to the seriousness of the misconduct, the circumstances of the misconduct, the means and general personal circumstances of the student and whether or not any criminal penalty has been imposed upon the student for the same offence.

5.4.7.3 A student found guilty of misconduct may be:

- i) absolutely discharged, which means that although the student may be technically guilty of the misconduct alleged, no blame should be attached to his or her actions;
- ii) cautioned, which means that no penalty is imposed, but if the student is found guilty of misconduct on a subsequent occasion in the following twelve months, or some other specified period, he or she will then be dealt with for both offences;

- iii) conditionally discharged, which means that no penalty is imposed, subject to the student fulfilling certain stipulated conditions including future good behaviour over the following twelve months or some other specified period. If the conditions are not met, a penalty may be imposed following a further hearing;
- iv) fined up to a maximum of £500. This maximum figure will be subject to periodic review by the Board of Governors;
- v) required to pay a reasonable sum by way of compensation for identified and quantified loss;
- vi) required to perform unpaid services for the University community to a maximum of 40 hours;
- vii) excluded from the University for a fixed period of time, up to a maximum of twelve months. A student who is excluded from the University has restricted rights to enter University premises and to participate in University activities. The terms of the exclusion will be notified to the student in writing. An order of exclusion may include a requirement that the student shall have no contact with a named person or persons;
- viii) suspended from the University for a fixed period of time, up to a maximum of twelve months. A student who is suspended is prohibited from entering University premises, and from participating in University activities. Suspension may be subject to qualification, such as permission to take an examination. The terms of the suspension will be notified to the student in writing. An order of suspension may include a requirement that the student shall have no contact with a named person or persons;
- ix) expelled from the University, which means that the student ceases to be a member of the University, and loses all rights and privileges of membership;

#### 5.4.8 Vice-Chancellor's Disciplinary Appeal Panel

- 5.4.8.1 The student has a right of appeal against the Deputy Vice-Chancellor's decision to the Vice-Chancellor. He/she will convene a Disciplinary Appeal Panel comprising two members of the Senior Management Team, other than those who served on the Disciplinary Panel convened under 6.4.6.2, and the Vice-Chancellor as Chair. In the very exceptional circumstances that the Appeal Panel could not be formed with members of the Senior Management Team, the Vice-Chancellor would invite a member/members of the Board of Governors other than staff or student members, to join the Panel.

- 5.4.8.2 An appeal against the Deputy Vice-Chancellor's decision given in accordance with the above procedure can only be made on one or more of the following grounds:-
- i) that the finding should be overturned in the light of new evidence;
  - ii) that the original hearing was not conducted fairly;
  - iii) that the finding of guilt was unreasonable in the light of the findings of fact; or
  - iv) that the penalty was too severe in the circumstances.
- 5.4.8.3 There is no right of appeal against the penalty imposed by the Deputy Vice-Chancellor other than those set out above in 6.4.8.2 above.
- 5.4.8.4 An appeal against long-term exclusion, suspension or expulsion should be made in writing by the student to the Vice-Chancellor within 5 working days of the receipt of the notice of penalty, including full details of the grounds for appeal.
- 5.4.8.5 The Vice-Chancellor shall convene a meeting of the Disciplinary Appeal Panel as soon as is practically possible, and normally not more than 25 working days from receipt of the appeal, to hear any case that is the subject of the appeal against the Deputy Vice-Chancellor's decision.
- 5.4.8.6 The Deputy Vice-Chancellor is required to establish rules of procedure for the Disciplinary Appeal Panel. These are that:-
- i) the student and the Deputy Vice-Chancellor shall be given in writing not less than 10 working days notice of the hearing.
  - ii) the student and the Deputy Vice-Chancellor shall, not less than 5 working days before the hearing, forward to the Chair of the Vice-Chancellor's Disciplinary Appeal Panel a written statement and other evidence (if appropriate) supporting or contesting (as appropriate) the grounds of appeal
  - iii) the student has a right to appear before the Vice-Chancellor's Disciplinary Appeal Panel to discuss the appeal and to be accompanied by a friend, student representative or other representative.
  - iv) the student shall present the appeal (personally or by their representative) and any supporting evidence, to the Vice-Chancellor's Disciplinary Appeal Panel and may call witnesses.

- v) the Deputy Vice-Chancellor shall reply to the grounds of appeal with any supporting evidence and may call witnesses
- vi) both the Deputy Vice-Chancellor and the student (either personally or by their representatives) shall have the opportunity to summarise their case

5.4.8.7 The Vice-Chancellor's Disciplinary Appeal Panel, having considered the case, shall make a decision within 5 working days following the conclusion of the hearing that one of the following actions should be taken:

- i) refuse the appeal and uphold the original decision
- ii) refer the case back to the Deputy Vice-Chancellor where new evidence indicates that the original decision should be revised
- iii) make a new decision

5.4.8.8 The student shall be advised in writing, within 10 working days following the conclusion of the hearing, of the decision of the Vice-Chancellor's Disciplinary Appeal Panel. The Panel's decision is final and there is no further right of appeal.

## **6. FEES REGULATIONS**

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### **1. Annual Fees**

### **2. Further Education Students (pre-degree courses)<sup>1</sup>**

- 2.1 Further Education Home / EU Under 19
- 2.2 Further Education Home / EU 19+
- 2.3 Further Education International (non EU)

### **3. Undergraduate Students (Foundation Degree, Degree courses)<sup>2</sup>**

- 3.1 Undergraduate Home / EU and Channel Islands
- 3.2 Undergraduate International (non EU)

### **4. Postgraduate Taught Students (Masters courses)<sup>2</sup>**

- 4.1 Postgraduate taught Home / EU and Channel Islands
- 4.2 Postgraduate taught International (non EU)

### **5. Postgraduate Research Students (MPhil / PhD courses)<sup>2</sup>**

- 5.1 Postgraduate research Home / EU and Channel Islands
- 5.2 Postgraduate research International (non EU)

### **6. Additional Information applicable to all students**

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<sup>1</sup> For the purposes of Further Education Funding, Channel Islands / Isle of Man students are treated as Home students

<sup>2</sup> For the purposes of undergraduate and postgraduate funding Channel Islands / Isle of Man students are not fundable as Home students and hence are charged a higher fee outlined in the Tuition Fee Schedule

**1. Annual Fees**

- 1.1 Students are responsible for the payment of all fees and charges associated with their course of study.
  - 1.2 The University for the Creative Arts (UCA) annually charges fees for its courses of study. These annual fees are reviewed each year and may be subject to increase for Home / EU / Channel Island students during their continued registration. All information relating to the University's Tuition Fees for 2009/10 can be found in the Fees and Finance section of the Pre-Degree, Undergraduate, Postgraduate and International sections of the University's website ([www.ucreative.ac.uk](http://www.ucreative.ac.uk)).
  - 1.3 The annual tuition fee includes:
    - i. tuition fee for the course of study
    - ii. the fee for referrals
    - iii. the fee for retaking unit(s) required by the Progression & Award Board which do not require the student to retake *with attendance*
  - 1.4 The fee payment requirements are explained in sections 2 – 5 below for various categories of students. Students should refer to the section that applies to them. Section 6 applies to all students.
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- 2.1.8 If a Home / EU Further Education student was under 19 years of age on 31 August immediately preceding the original start of their course and is deemed to have withdrawn from their course (ie the University does not formally approve a request to interrupt studies) then the student's liability for fees would be reassessed upon their return. If the student is 19 years or over on 31 August immediately preceding the start of the academic year they are returning to then they will be liable for fees as a Home / EU 19+ student (see section 2.2 for further details).

Students withdrawing from Course / studies being terminated

- 2.1.9 If a student withdraws from their course (or has studies terminated) and the student's last date of attendance is prior to 16 October the Course Levy will be refunded in full. If the student's last date of attendance is 16 October or later there will be no refund of the Course Levy. The last date of attendance used shall be as confirmed by the withdrawal / termination paperwork completed by the Faculty.

**2.2 Further Education Home / EU 19+**

Fees payable

- 2.2.1 All Home / EU Further Education students will be liable to pay an annual Course Levy in full at enrolment. The Course Levy fee will be confirmed each year prior to the start of FE online enrolment.
- 2.2.2 Home / EU Further Education students who are 19 years of age or over on 31 August immediately preceding the start of their course will be liable to pay tuition fees as outlined in the 'Tuition Fee Schedule 09-10' *unless* they meet one of the exemption categories outlined below in 2.2.5 and 2.2.6.
- 2.2.3 Home / EU Further Education students who are 19 years of age or over on 31 August immediately preceding the start of their course will be liable to pay the current examining body registration fee in full at enrolment *unless* they meet one of the exemption categories outlined below in 2.2.5 and 2.2.6.
- 2.2.4 Home / EU Further Education students who are 19 years of age or over on 31 August immediately preceding the start of their course will be liable to pay a late registration charge in addition to the current examining body registration fee if they fail to complete enrolment by 15 October. If a student feels they have valid grounds or extenuating circumstances which prevented them from enrolling they should write to the Head of Student Administration to request that the late registration charge be waived.

Fee exemption categories (tuition fee and examining body fee only)

- 2.2.5 No tuition fees or examining body registration fees will be charged to Home / EU Further Education students who are 19 years of age and over on 31 August



- 2.2.9 If a student transfers into a Further Education course at UCA during the academic year, either from another course at UCA or externally from another Institution, the examining body registration fee will be due in full *unless* they meet one of the exemption categories outlined above in 2.2.5 and 2.2.6 or *unless* they have already registered with the examining body for that qualification at another Further Education provider. If they transfer in after 15 October and have not previously registered with the examining body for that qualification the late registration charge will also be due.
- 2.2.10 If a student transfers between Further Education courses at UCA they may incur increases to the examining body registration fee. Students should speak to staff in the Faculty Office for advice.
- 2.2.11 If a student transfers their mode of attendance from full-time to part-time / flexible mode (or vice versa) then the appropriate tuition fee from the new mode of study will be charged from the start of the academic year.

#### Students Interrupting Studies

- 2.2.12 If a student takes an *approved* period of interruption (i.e. the University approves a request to interrupt studies) no refund of the Course Levy will be given.
- 2.2.13 If a student takes an *approved* period of interruption (i.e. the University approves a request to interrupt studies) the tuition fee due will be calculated on a pro-rata basis according to the number of weeks the student was in attendance on course prior to interrupting studies. The last date of attendance used to determine the tuition fee due (and hence any refund due if the student has paid more than the calculated fee) shall be as confirmed by the Interruption paperwork completed by the Faculty. Pro-rata tuition fee charges and refunds will be calculated based on whole weeks.
- 2.2.14 If a student takes an *approved* period of interruption (i.e. the University approves a request to interrupt studies) no refund of the examining body registration fee will be given. The registration will be kept open with the examining body pending the students return from interruption.

#### Students returning from interruption

- 2.2.15 Provided the student paid the Course Levy in full before interrupting their studies, no further charge will be made when they return to resume studies.
- 2.2.16 When a student returns to a Further Education course at UCA following an *approved* period of interruption the tuition fee due upon their return will be calculated on a pro-rata basis according to the number of weeks the student will be in attendance on course for that academic year *unless* they meet one of the exemption categories outlined above in 2.2.5 and 2.2.6.

#### Students withdrawing from Course / studies being terminated

- 2.2.17 If a student withdraws from their course (or has studies terminated) and the student's last date of attendance is prior to 16 October the Course Levy will be refunded in full. If the student's last date of attendance is 16 October or later there will be no refund of the Course Levy. The last date of attendance used shall be as confirmed by the withdrawal / termination paperwork completed by the Faculty.
- 2.2.18 If a student withdraws from their course (or has studies terminated) BEFORE the 1<sup>st</sup> December the tuition fee due will be calculated on a pro-rata basis according to the number of weeks the student was in attendance on course prior to withdrawal / termination of studies. The last date of attendance used to determine the tuition fee due (and hence any refund due if the student has paid more than the calculated fee) shall be as confirmed on the withdrawal / termination paperwork completed by the Faculty. Pro-rata tuition fee charges and refunds will be calculated based on whole weeks. If the student withdraws from their courses (or has studies terminated) AFTER 1<sup>st</sup> December, no refund of fees will be due.
- 2.2.19 If a student withdraws from their course (or has studies terminated) and the student's last date of attendance is prior to 16 October the examining body registration fees will be refunded in full. If the student's last date of attendance is 16 October or later there will be no refund of the examining body registration fees. The last date of attendance used shall be as confirmed by the withdrawal / termination paperwork completed by the Faculty.

### **2.3 Further Education International (non EU)**

- 2.3.1 International students are required to pay tuition fees to cover the full cost of courses in the UK. International students are defined in accordance with the Education (Fees and Awards) Regulations. Any doubts about status as a student, Home / EU or Overseas, shall be determined by the Head of Student Administration.
- 2.3.2 Annual tuition fees paid by an International student (who registered at UCA for the first time in 2005/06 or later) are guaranteed to remain at the same level paid in the first year of study for the entire duration of study within UCA. For example, an international student who initially registers for an FE course, then progresses to a BA (Hons) award at UCA (and possibly to a postgraduate course after completing the BA (Hons)) will pay the initial FE overseas fee for each year of their studies at UCA. The following conditions apply:
- The student cannot take more than a one year break between each level of study (a two year break will be permitted for students progressing from BA (Hons) Architecture to the Graduate Diploma in Architecture).
  - If an international student interrupts studies during the course of an intended qualification aim they can only retain the initial fee level paid in their first year of study at UCA provided that the entire period of their interruption is academically approved by the Associate Dean

- Enhanced fee courses are exempt from this Regulation (for example the MBA)

2.3.3 If a student transfers between courses at UCA in their first year of study at UCA the fee they will be charged will be set as the lower fee of the courses attended during the first year of study for the remainder of the student's time at UCA (conditions in 2.3.2 still apply).

#### Fees Payable - Tuition Fee Deposit

2.3.4 International students are required to pay a £500 deposit upon their acceptance of a place on a course of study at UCA. This deposit is part payment towards the cost of the tuition fee.

2.3.5 If the student cancels their place at UCA prior to 1 June the deposit is refundable (less £50 administration charge).

2.3.6 If the student cancels their place on or after 1 June the deposit is non-refundable *unless* :

- The student provides evidence that their VISA has been refused (in which case a refund less £50 administration charge will be given)
- The student fails to meet entry conditions for the course and UCA decide to withdraw the offer of a place (in which case a refund less £50 administration charge will be given)
- The student believes they can provide evidence of extenuating circumstances supporting their decision to withdraw from their place at such a late stage (in which case they should write to the Head of Student Administration and their individual case will be considered)

2.3.7 If the student requests to defer their place to the following academic year the deposit is non-refundable. It will be used to reserve their place for the next academic year.

#### Fees Payable – Tuition Fee

2.3.8 UCA offers a discounted annual tuition fee rate to international students who pay the full year's tuition fees in one instalment either prior to, or at enrolment.

#### Students transferring into course

2.3.9 If a student transfers into a Further Education course at UCA during the academic year, either from another course at UCA or externally from another Institution, the tuition fee due will be calculated on a pro-rata basis according to the number of weeks the student will be in attendance on course for that academic year

#### Students Interrupting Studies

2.3.10 If a student takes an *approved* period of interruption (i.e. the University approves a request to interrupt studies) the tuition fee due will be calculated on a pro-rata basis according to the number of weeks the student was in attendance on course prior to interrupting studies. The last date of attendance used to determine the tuition fee due (and hence any refund due if the student has paid more than the calculated fee) shall be as confirmed by the Interruption paperwork completed by the Faculty. Pro-rata tuition fee charges and refunds will be calculated based on whole weeks.

Students returning from interruption

2.3.11 When a student returns to a Further Education course at UCA following an *approved* period of interruption the tuition fee due upon their return will be calculated on a pro-rata basis according to the number of weeks the student will be in attendance on course for that academic year using the tuition fee rate that applied to the student when they first joined UCA (providing they meet the criteria as outlined in 2.3.2 above).

2.3.12 When a student returns to a Further Education course at UCA following an *unapproved* period of interruption the tuition fee due upon their return will be calculated on a pro-rata basis according to the number of weeks the student will be in attendance on course for that academic year using the tuition fee rate published in the 'Tuition Fee Schedule' appropriate to the course and academic year that they are returning into.

Students withdrawing from Course / studies being terminated

2.3.13 If a student withdraws from their course (or has studies terminated) BEFORE the 1<sup>st</sup> December the tuition fee due will be calculated on a pro-rata basis according to the number of weeks the student was in attendance on course prior to withdrawal / termination of studies. The last date of attendance used to determine the tuition fee due (and hence any refund due if the student has paid more than the calculated fee) shall be as confirmed by the withdrawal / termination paperwork completed by the Faculty. Pro-rata tuition fee charges and refunds will be calculated based on whole weeks. If the student withdraws from their courses (or has studies terminated) AFTER 1<sup>st</sup> December, no refund of fees will be due.

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**3. Undergraduate Students (Foundation Degree courses, Degree courses)**

**3.1 Undergraduate Home / EU<sup>7</sup> and Channel Islands**

Fees Payable

- 3.1.1 Students who first registered onto an undergraduate course in 2005/06 or earlier, may be liable for a Course Levy in addition to tuition fees. Students should contact their Faculty Office for advice.
- 3.1.2 Students who already hold an equivalent or higher qualification to the one that they have registered for at UCA may be liable to pay a higher tuition fee. This is because, following a UK Government directive, institutional funding for Home / EU students studying on a Higher Education funded course who have already completed an equivalent (or higher) qualification has been withdrawn. There are some exemptions to this – students should contact the Faculty Office for further advice.
- 3.1.3 Where a student has successfully applied for the full tuition fee loan from the Student Loan Company they will not be expected to pay tuition fees. UCA will collect the tuition fee directly from the SLC. Students must apply annually for the tuition fee loan.
- 3.1.4 Where a student is in receipt of full UK state aid in the form of a non-repayable grant of £2905 p.a. (for academic year 2009/10) they are able to defer payment of up to £320 of the £3225 p.a. tuition fee until 25 February of each academic year (if they decide not to take out the tuition fee loan to pay for tuition fees). However, students in receipt of the full UK state aid can still successfully apply for the full tuition fee loan and allow this fee loan to pay the tuition fees directly (as in 3.1.3 above).
- 3.1.5 Students from the Channel Islands are not entitled to a tuition fee loan from the Student Loan Company and funding is not provided to English Higher Education Institutions for Channel Island students. Therefore, students from the Channel Islands are liable for a higher rate tuition fee (see Tuition Fee Schedule 09-10 for further details).
- 3.1.6 Students who are self funded (or only taking out a partial tuition fee loan from the SLC / DfES) must pay the tuition fee (or their personal element of it) as detailed in the 'Tuition Fee Schedule 09-10'.
- 3.1.7 Full tuition fee waivers are not granted to any students registered for undergraduate courses at UCA.

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<sup>7</sup> The 27 EU countries are: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, The Netherlands, United Kingdom). For the purposes of Undergraduate funding Channel Islands and Isle of Man students are not classified as Home / EU and hence pay a higher prescribed fee as outlined in the 'Tuition Fee schedule'



the fee rate appropriate to the academic year in which the retake occurs will be charged.

Students withdrawing from Course / studies being terminated

- 3.1.14 If a self funded, or partially self funded, student withdraws from their course (or has studies terminated) BEFORE the 1<sup>st</sup> December the tuition fee due will be calculated on a pro-rata basis according to the number of weeks the student was in attendance on course prior to withdrawal / termination of studies. The last date of attendance used to determine the tuition fee due (and hence any refund due if the student has paid more than the calculated fee) shall be as confirmed on the withdrawal / termination paperwork completed by the Faculty. Pro-rata tuition fee charges and refunds will be calculated based on whole weeks. If the student withdraws from their course (or has studies terminated) AFTER 1<sup>st</sup> December, no refund of fees will due.
- 3.1.15 Any student in receipt of a Ucreative Scholarship or minimum standard bursary that interrupts studies, transfers courses, withdraws or has studies terminated will be subject to the terms and conditions of the Ucreative Scholarship or minimum standard bursary.

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## **3.2 Undergraduate International (non EU)**

- 3.2.1 International students are required to pay tuition fees to cover the full cost of courses in the UK. International students are defined in accordance with the Education (Fees and Awards) Regulations. Any doubts about status as a student, Home / EU or Overseas, shall be determined by the Head of Student Administration.
- 3.2.2 Annual tuition fees paid by an International student (who registered at UCA for the first time in 2005/06 or later) are guaranteed to remain at the same level paid in the first year of study for the entire duration of study within UCA. For example, an international student who initially registers for an FE course, then progresses to a BA (Hons) award at UCA (and possibly to a postgraduate course after completing the BA (Hons)) will pay the initial FE overseas fee for each year of their studies at UCA. The following conditions apply:
- The student cannot take more than a one year break between each level of study (a two year break will be permitted for students progressing from BA (Hons) Architecture to the Graduate Diploma in Architecture).
  - If an international student interrupts studies during the course of a qualification aim they can only retain the initial fee level paid in their first year of study at UCA provided that the entire period of their interruption is academically approved by the Associate Dean.







prior to interrupting studies. The last date of attendance used to determine the tuition fee due (and hence any refund due if the student has paid more than the calculated fee) shall be as confirmed on the Interruption paperwork completed by the Faculty. Pro-rata tuition fee charges and refunds will be calculated based on whole weeks.

Students returning from interrupting studies – elected interruption

- 4.1.9 When a student returns to a postgraduate taught course at UCA following an *approved* period of interruption the tuition fee due upon their return will be calculated on a pro-rata basis according to the number of weeks the student will be in attendance on course for that academic year

Students Interrupting Studies – academic interruption

- 4.1.10 Postgraduate students who are required by the Progression & Award Board to interrupt studies shall be liable to pay fees for retaking unit(s) with attendance at classes / access to facilities. The tuition fee due will be calculated on a credit basis. For example, a student who is offered the opportunity to retake 60 credits with attendance will pay one quarter of the annual fee that would normally be charged to that full-time student studying 180 credits in an academic year. Fees for retake with attendance / access to facilities shall be payable at enrolment and the fee rate appropriate to the academic year in which the retake occurs will be charged.

Students withdrawing from Course / studies being terminated

- 4.1.11 If a student withdraws from their course (or has studies terminated) BEFORE the 1<sup>st</sup> December the tuition fee due will be calculated on a pro-rata basis according to the number of weeks the student was in attendance on course prior to withdrawal / termination of studies. The last date of attendance used to determine the tuition fee due (and hence any refund due if the student has paid more than the calculated fee) shall be as confirmed on the withdrawal / termination paperwork completed by the Faculty. Pro-rata tuition fee charges and refunds will be calculated based on whole weeks. If the student withdraws from their courses (or has studies terminated) AFTER 1<sup>st</sup> December, no refund of fees will be due.
- 4.1.12 Any student in receipt of a UCA Taught Postgraduate Scholarship that interrupts studies, transfers courses, withdraws or has studies terminated will be subject to the terms and conditions of the UCA Taught Postgraduate Scholarship.
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**4.2 Postgraduate Taught International (non EU)**

- 4.2.1 International students are required to pay tuition fees to cover the full cost of courses in the UK. International students are defined in accordance with the Education (Fees and Awards) Regulations. Any doubts about status as a student, Home / EU or Overseas, shall be determined by the Head of Student Administration.
- 4.2.2 Annual tuition fees paid by an International student (who registered at UCA for the first time in 2005/06 or later) are guaranteed to remain at the same level paid in the first year of study for the entire duration of study within UCA. For example, an international student who initially registers for an FE course, then progresses to a BA (Hons) award at UCA (and possibly to a postgraduate course after completing the BA (Hons)) will pay the initial FE overseas fee for each year of their studies at UCA. The following conditions apply:
- The student cannot take more than a one year break between each level of study (a two year break will be permitted for students progressing from BA (Hons) Architecture to the Graduate Diploma in Architecture).
  - If an international student interrupts studies during the course of a qualification aim they can only retain the initial fee level paid in their first year of study at UCA provided that the entire period of their interruption is academically approved by the Associate Dean.
  - Enhanced fee courses are exempt from this Regulation (for example the MBA)
- 4.2.3 If a student transfers between courses at UCA in their first year of study at UCA the fee they will be charged will be set as the lower fee of the courses attended during the first year of study for the remainder of the student's time at UCA (conditions in 4.2.2 still apply).

**Fees Payable - Tuition Fee Deposit**

- 4.2.4 International students are required to pay a £500 deposit upon their acceptance of a place on a course of study at UCA. This deposit is part payment towards the cost of the tuition fee.
- 4.2.5 If the student cancels their place at UCA prior to 1 June the deposit is refundable (less £50 administration charge).
- 4.2.6 If the student cancels their place on or after 1 June the deposit is non-refundable *unless* :
- The student provides evidence that their VISA has been refused (in which case a refund less £50 administration charge will be given)



calculated on a pro-rata basis according to the number of weeks the student will be in attendance on course for that academic year using the tuition fee rate published in the 'Tuition Fee Schedule' appropriate to the course and academic year that they are returning into.

#### Students Interrupting Studies – academic interruption

- 4.2.14 Postgraduate students who are required by the Progression & Award Board to interrupt studies shall be liable to pay fees for retaking unit(s) with attendance at classes / access to facilities. The tuition fee due will be calculated on a credit basis. For example, a student who is offered the opportunity to retake 60 credits with attendance will pay one quarter of the annual fee that would normally be charged to that full-time student studying 180 credits in an academic year. Fees for retake with attendance / access to facilities shall be payable at enrolment and the fee rate appropriate to the student (if they have met criteria in 4.2.2 above) or to the academic year in which the retake occurs (if they have not met criteria in 4.2.2 above) will be charged.

#### Students withdrawing from Course / studies being terminated

- 4.2.15 If a student withdraws from their course (or has studies terminated) BEFORE the 1<sup>st</sup> December the tuition fee due will be calculated on a pro-rata basis according to the number of weeks the student was in attendance on course prior to withdrawal / termination of studies. The last date of attendance used to determine the tuition fee due (and hence any refund due if the student has paid more than the calculated fee) shall be as confirmed on the withdrawal / termination paperwork completed by the Faculty. Pro-rata tuition fee charges and refunds will be calculated based on whole weeks. If the student withdraws from their courses (or has studies terminated) AFTER 1<sup>st</sup> December, no refund of fees will due.



- 5.1.7 If a student transfers their mode of attendance from full-time to part-time (or vice versa) then the appropriate tuition fee will be charged pro-rata for each mode of attendance in accordance with the number of weeks the student was registered on each mode.

Students withdrawing / registration being terminated

- 5.1.8 If a student withdraws from their registration (or has their registration terminated) BEFORE the 1<sup>st</sup> December the tuition fee due will be calculated on a pro-rata basis according to the number of weeks the student was registered for that academic year prior to withdrawal / termination of studies. The last date of registration used to determine the tuition fee due (and hence any refund due if the student has paid more than the calculated fee) shall be the date of formal notification of withdrawal / termination as confirmed by the Lead Supervisor on the withdrawal / termination paperwork completed by the Research Office. Pro-rata tuition fee charges and refunds will be calculated based on whole weeks. If the student withdraws from their registration (or has their registration terminated) AFTER 1<sup>st</sup> December, no refund of fees will due.
- 5.1.9 If a student withdraws from their registration (or has their registration terminated) before the end of the academic year whilst on continuation status, no refund will be given.

Students successfully completing

- 5.1.10 If a student successfully completes at any point during the academic year the tuition fee due will be calculated on a pro-rata basis according to the number of weeks the student was registered for that academic year prior to successful completion.
- 5.1.11 If a student successfully completes at any point during the academic year whilst on continuation status no refund will be given.

Students with amendments to be made after examination

- 5.1.12 If, further to examination, a student is only required to make minor amendments then no further fees will be charged; however, if a re-examination is required they will be charged fees again at the current part-time or full-time rate of tuition fees<sup>11</sup>.

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<sup>11</sup> See the UCA Research Student Regulations Handbook for further details on re-examination and what constitutes minor amendments.

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## 5.2 Postgraduate research International (non EU)

- 5.2.1 International students are required to pay tuition fees to cover the full cost of courses in the UK. International students are defined in accordance with the Education (Fees and Awards) Regulations. Any doubts about status as a student, Home / EU or Overseas, shall be determined by the Head of Student Administration.
- 5.2.2 Annual tuition fees paid by an International student (who registered at UCA for the first time in 2005/06 or later) are guaranteed to remain at the same level paid in the first year of study for the entire duration of study within UCA. For example, an international student who initially registers for an FE course, then progresses to a BA (Hons) award at UCA (and possibly to a postgraduate course after completing the BA (Hons)) will pay the initial FE overseas fee for each year of their studies at UCA. The following conditions apply:
- The student cannot take more than a one year break between each level of study (a two year break will be permitted for students progressing from BA (Hons) Architecture to the Graduate Diploma in Architecture).
  - If an international student interrupts studies during the course of a qualification aim they can only retain the initial fee level paid in their first year of study at UCA provided that the entire period of their interruption is academically approved by the Associate Dean (for FE, UG, PG taught levels of study) or Lead Supervisor (for PG research level).
  - Enhanced fee courses are exempt from this Regulation (for example the MBA)
- 5.2.3 If a student transfers between courses at UCA in their first year of study at UCA the fee they will be charged will be set as the lower fee of the courses attended during the first year of study for the remainder of the student's time at UCA (conditions in 5.2.2 still apply).

### Fees Payable - Tuition Fee Deposit

- 5.2.4 International students are required to pay a £500 deposit upon their acceptance of a place on a course of study at UCA. This deposit is part payment towards the cost of the tuition fee.
- 5.2.5 If the student cancels their place at UCA prior to 1 June (October start) or 10 January (April start) the deposit is refundable (less £50 administration charge).
- 5.2.6 If the student cancels their place on or after 1 June / 10 January the deposit is non-refundable *unless* :



- 5.2.13 When a student returns to resume their registration at UCA following an *approved* period of interruption the tuition fee / continuation fee due will be calculated on a pro-rata basis according to the number of weeks the student will be registered for in the remainder of that academic year using the tuition fee rate that applied to the student when they first joined UCA (providing they meet the criteria as outlined in 5.2.2 above).
- 5.2.14 When a student returns to resume their registration following an *unapproved* period of interruption the tuition fee / continuation fee due will be calculated on a pro-rata basis according to the number of weeks the student will be registered for in the remainder of that academic year using the tuition fee rate published in the 'Tuition Fee Schedule' appropriate to the course and academic year that they are returning into.

#### Students withdrawing / registration being terminated

- 5.2.15 If a student withdraws from their registration (or has registration terminated) BEFORE the 1<sup>st</sup> December the tuition fee due will be calculated on a pro-rata basis according to the number of weeks the student was registered for that academic year prior to withdrawal / termination of studies. The last date of registration used to determine the tuition fee due (and hence any refund due if the student has paid more than the calculated fee) shall be the date of formal notification of withdrawal / termination as confirmed by the Lead Supervisor on the withdrawal / termination paperwork completed by the Research Office. Pro-rata tuition fee charges and refunds will be calculated based on whole weeks. If the student withdraws from their registration (or has their registration terminated) AFTER 1<sup>st</sup> December, no refund of fees will due.
- 5.2.16 If a student withdraws from their registration (or has their registration terminated) before the end of the academic year whilst on continuation status, no refund will be given.

#### Students successfully completing

- 5.2.17 If a student successfully completes at any point during the academic year the tuition fee due will be calculated on a pro-rata basis according to the number of weeks the student was registered for that academic year prior to successful completion.
- 5.2.18 If a student successfully completes at any point during the academic year whilst on continuation status no refund will be given.

#### Students with amendments to be made after examination

If, further to examination a student is only required to make minor amendments then no further fees will be charged; however, if a re-examination is required they will be charged fees again at the current part-time or full-time rate of tuition fees<sup>13</sup>.

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<sup>13</sup> See the UCA Research Student Regulations Handbook for further details on re-examination and what constitutes minor amendments.

**6. Additional Information applicable to all students**

**6.1 Payment of fees**

- 6.1.1 Students must enrol during the published enrolment period.
- 6.1.2 Self-funded post-graduate students and self-funded overseas students may elect to pay their tuition fees in up to six equal monthly instalments. The first instalment will normally be due in September, with the last instalment falling due in February. For students with non-standard start dates the first instalment will be due within 7 days of completing enrolment, with the last instalment falling due during the sixth month following.
- 6.1.3 Students who wish to pay by instalments must make arrangements to do so with the finance department within 7 days of completing their enrolment.
- 6.1.4 The following categories of students are required to pay at least 50% of the applicable tuition fee within 7 days of completing their enrolment:
- Self-funded home/EU undergraduate students (including those in receipt of a partial tuition fee loan from the SLC)
  - Self-funded post-graduate students who have not made arrangements to pay by instalments
  - Self-funded overseas students who have not made arrangements to pay by instalments
  - Sponsored students (other than those in receipt of the full tuition fee loan from the SLC)
- The balance must be paid by 31 January of the following year (or within 5 months of completing enrolment for students on courses with non-standard start dates).
- 6.1.5 Students who are unable to provide satisfactory evidence that they will be in receipt of a tuition fee loan from the SLC will be classified as self-funded and will be liable for the full amount of the tuition fee.
- 6.1.6 Students who fail to make payment by the required deadline, including failing to maintain agreed instalment payment arrangements, will be classified as debtors and will be notified to the appropriate Associate Dean. In any event failure to meet the relevant payment requirements by 31 October (or equivalent date for students with non-standard start dates) will result in immediate sanctions as defined in the Student Regulations, including suspension and termination of studies. Continued failure to pay will result in referral to an external debt collection agency.
- 6.1.7 Additionally, in each instance that a student fails to make any payment by a required deadline, including failing to maintain an agreed instalment payment arrangement, an administration charge of £30 will be levied.
- 6.1.8 Students who take up a place in UCA residential accommodation are subject to UCA's Terms and Conditions of Residence. Details are sent to students at the point that they are made an offer of a place in UCA Halls of Residence.

## **6.2 Financial Support and advice**

- 6.2.1 Students who are experiencing unforeseen financial difficulties in paying their fees should seek help at the earliest opportunity. Students should contact Student Services in the first instance.

## **6.3 Issue of replacement documentation**

- 6.3.1 A charge is made for the issue of:
- i) a replacement student ID card
  - ii) a replacement award certificate
  - iii) a replacement official transcript

The charges are detailed in the 'Tuition Fee Schedule 09-10'.

## **6.4 Debts**

- 6.4.1 No student shall be permitted to enrol or transfer onto any course whilst they are in debt to UCA.
- 6.4.2 **NO STUDENT SHALL RECEIVE CERTIFICATION OF AN AWARD, UNLESS ALL ARREARS OF FEES AND/OR ANY OTHER SUMS DUE HAVE BEEN PAID IN FULL.**

## **6.5 Refund of fees**

- 6.5.1 The calculation of fees due when a student transfers, interrupts, withdraws or is terminated from their course of studies is detailed for each category of student in sections 2 – 5 of this Fee Regulations document. However, where a student feels their transfer / interruption / withdrawal or termination is based upon exceptional and unexpected circumstances beyond the student's control, and is supported by corroborating evidence, the Academic Registrar has power of discretion on a case by case basis to approve an appropriate refund. Students wishing to apply for consideration should write to the Academic Registrar explaining their case and providing corroborating evidence.











	£
National Diploma	(£162.50)
Diploma in Foundation Studies in Art & Design	(£104.50)
National Award	(£113.50)
National Certificate	(144.50)
Access	(£99.00)
<b><i>Notification of these fees will be August 2009</i></b>	

**Other Charges - All students**

	£
Evening Courses (workshop based)	<b>£95</b> (£92) per term
Evening Courses (art appreciation)	<b>£75</b> (£72) per term
Replacement Student Registration Card	<b>£5</b>
Replacement certificate	<b>£32</b>

Materials & Services charges for FE students are set annually and will be notified to students prior to the start of the academic year.























































**4.25 Appeals Against Assessment Outcomes**

4.25.1 A student may appeal against an assessment outcome in relation to:

- i) individual unit(s); and/or
- ii) a recommendation for a final award.

4.25.2 A student may appeal against an assessment outcome on one or more of the following grounds:

- i) that his/her performance in assessment may have been adversely affected by mitigating circumstances which he/she was previously unable or unwilling to divulge for valid reason(s);
- ii) that there has been a significant and exceptional administrative error in the conduct of assessment;
- iii) that the assessment was not conducted in accordance with the relevant and current course of study regulations.







Referral. This opportunity is subject to qualifying conditions, and may not therefore be available to all students (see Assessment Regulations, section 4.11).

<b>Semester</b>	The academic year is divided into three Semesters, Semester 1, Semester 2, and Semester 3, each consists of 15 taught weeks.
<b>Termination</b>	Where it is determined that a student has failed to meet the requirements for progression or award and must withdraw from the course of study. This decision can be reached on academic grounds, following Retake and, where appropriate, Referral. A course of study can also be terminated where a student has breached specific course and/or general University regulations (see University Rules, section 6.3 (x)).
<b>Transcript</b>	A formal record of a student's achievement in individual units of study, including unit titles, unit levels, unit credit ratings, unit marks and date units completed.
<b>Withdrawal</b>	<i>Where a student confirms that he/she no longer wishes to continue studying at the University.</i>
<b>Unit</b>	A self contained unit of study. Each unit has a set of specific learning outcomes.
<b>Unit Leader</b>	The member of staff responsible for the management and organisation of a designated unit.





- 4.4 Students will not be disadvantaged if they lodge an appeal in good faith.
5. Lodging a Formal Appeal
- 5.1 If, subsequent to the procedures specified in (4) above, a student wishes to continue with his/her appeal, he/she should submit this in writing, and address it for the attention of the Academic Registrar.
- 5.2 The correspondence must stipulate clearly and unambiguously the nature and grounds upon which the appeal is based, in accordance with those stipulated in 2.1 above. The correspondence should detail in full all matters relevant to the appeal, including reference to alleged incidents or events, persons involved, and relevant dates where appropriate. The correspondence must be supported by as much written documentary evidence as necessary (for example medical certificate, letter from the Student Counselling service, Police Officer, and/or Solicitor).
- 5.3 The student should send his/her appeal with all accompanying documentation to the Academic Registrar within 15 working days of the date of notification of his/her results, in accordance with Section 3 above.
- 5.4 Appeals received beyond the 15 working day period will not normally be considered by the Academic Registrar. Special consideration will only be given very exceptionally, where the student provides what the Academic Registrar considers to be a substantiated, valid reason for any delay.
- 5.5 If a student is unable, for exceptional reason, to submit an appeal (because of severe illness or other valid reason), a third party, for example a fellow student, may complete and submit the appeal on the student's behalf, provided that the student's written consent is also furnished with the appeal.
- 5.6 The appeal, once submitted, is considered to be the definitive statement of the student's case and may not be added to other than to submit fresh evidence which was not previously available.
- 5.7 The student will be notified of the receipt of the appeal within two working days of its receipt by Academic Registrar.
6. Consideration by the Academic Registrar
- 6.1 The Academic Registrar, or a nominee authorized by the Academic Registrar to act on his/her behalf, shall consider the student's case in light of the permissible grounds for appeal as specified in 2.1 above.
- 6.2 If the Academic Registrar considers that there may be grounds for appeal, he/she shall provide the following with a copy of the appeal:
- 6.2.1 Relevant Unit Leader(s);
  - 6.2.2 Course Leader;
  - 6.2.3 Registrar;



- a hearing, he/she will arrange for an Appeal Panel to be convened to hear the evidence.
7. Operation of the Appeal Panel
- 7.1 The precise membership of the Panel shall be determined by the Academic Registrar, and will comprise:
- 7.1.1 One Dean and one Associate Dean not formally associated with the student's studies; and
- 7.1.2 the Head of Quality, Standards & Assessment or his/ her nominee; and
- 7.1.3 a student representative nominated by Academic Board.
- 7.2 The Academic Registrar will nominate the Dean or Associate Dean specified in 7.1.1 above to act as Chair.
- 7.3 The student representative shall have had no previous contact with the student in relation to the assessment outcome being appealed.
- 7.4 A Registrar will act as Secretary to the Panel.
- 7.5 The quorum for an Appeals Panel is three Panel members. No hearing shall take place without the attendance of the Assistant Academic Registrar or his/her nominee.
- 7.6 The student is entitled to attend the meeting in order to:
- 7.6.1 present his/her case;
- 7.6.2 be cross-examined by Panel members;
- 7.6.3 cross-examine any witnesses presented;
- 7.6.4 make a concluding statement.
- 7.7 The student should be invited to bring a friend or representative to the Panel meeting if he/she wishes to do so. If the student wishes to be accompanied by a representative then he/she should notify the Academic Registrar not less than 5 working days in advance of the meeting of their name and status.
- 7.8 The Associate Dean with oversight of the course or his/her nominee shall attend the hearing to:
- 7.8.1 present the case (this may include calling witnesses);
- 7.8.2 be cross-examined by Panel members;
- 7.8.3 cross-examine the student;
- 7.8.4 make a concluding statement.

- 7.9 The Academic Registrar will make the arrangements for the convening of the Panel and will ensure that the student is notified of the date and time of the Panel's meeting and not less than 7 working days in advance of the meeting send copies of any documents to be used and the names of any witnesses to be presented by the Associate Dean at the meeting. The student must likewise send to the Academic Registrar no less than 5 working days in advance of the meeting copies of documents and names of witnesses upon which he/she will rely at the meeting.
- 7.10 Due notice of the convening of the Appeals Panel will be considered to have been given on sending the notice and supporting information if appropriate by recorded delivery to the student's most recent recorded address. The case may then be heard whether or not the student decides to attend the meeting. In exceptional cases, which will be determined by the University, the date may be postponed or rescheduled to enable a student to attend.
- 7.11 The Panel will consider its decision in private after the evidence has been heard, and determine in light of the evidence presented the validity of the student's case. The Panel will reach its decision by simple majority vote. In cases where no overall majority arises, the Chair shall have a second or casting vote.
- 7.12 An Appeals Panel may hear more than one appeal in any one meeting.
8. Appeals Panel Recommendations
- 8.1 The Appeals Panel may make one of the following decisions following consideration of an appeal:
- 8.1.1 That the appeal is rejected.
- This decision will be made where the Panel finds that the student has not suffered an injustice and has no substantiated grounds for appeal.
- 8.1.2 That the appeal is upheld.
- This decision will be made where the Panel finds that the student has suffered an injustice and has substantiated grounds for appeal. In this instance the Unit Assessment Board<sup>31</sup>, or the Progression & Award Board will be required to reconsider its previous decision. The Board must take into account any specific recommendation(s) made by the Panel. The review may result in an amended assessment outcome. If it does not, and in the opinion of the Panel it has not taken adequate account of the reasons why a review was recommended, the Panel may, exceptionally, still annul the decision and determine a revised assessment outcome.
- 8.2 The outcomes of all appeals considered by Appeals Panels will be reported to the Academic Board.

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<sup>31</sup>In the case of Further Education or Postgraduate taught courses, this would be the Further Education Assessment Board or the Postgraduate Assessment Board respectively.

9. Outcome
  - 9.1 After the determination of the Panel's decision, the student and any friend or representative will normally be recalled in person to be informed of the decision reached by the Panel.
  - 9.2 In any event, the student(s) concerned will be notified in writing of the outcome of the Panel's deliberations within five working days of the meeting.
10. Review by an Assessment Board or Progression & Award Board
  - 10.1 Assessment Boards should make standing arrangements for considering the implications of a successful appeal following a ruling made by an Appeals Panel to ensure that the decision can be communicated to the student as soon as possible. Matters may be progressed by the taking of Chair's action if the convening of a formal Board is not practicable.
11. Grounds for Appeal
  - 11.1 A student may appeal against the findings of an Appeals Panel on one or both of the following grounds:
    - 11.1.1. that new, substantive evidence has become available which may have had some material impact on the case such that the outcome may have been affected
    - 11.1.2 that there has been some procedural irregularity in the conduct of the investigation and/or hearing which may have had some material impact on the case
12. Limitation Period for Appeal
  - 12.1 There is a time limit of seven working days from the date of the outcome being notified to the student in which he/she may submit an appeal which must include the full grounds on which the appeal is based.
  - 12.2 Where a student is notified of the outcome by letter posted to his/her home and term-time addresses and pigeonhole, the time period for lodging an appeal will commence two working days after the letter is posted.
13. Consideration of the Appeal
  - 13.1 The Academic Registrar, or a nominee authorised by the Academic Registrar to act on his/her behalf, shall consider the student's case in light of the permissible grounds for appeal as specified in 11.1 above. In determining whether the appeal is to be allowed the Academic Registrar will consider both the details of the case, as contained in the final report, and any examples of precedent from similar cases.
  - 13.2 On receipt of a written appeal, the Academic Registrar will respond to the appellant within ten working days, stating whether or not the appeal is to be

permitted and what action will follow. The decision of the Academic Registrar to permit or disallow an appeal shall be final.

13.3 If the Academic Registrar agrees that appeal may proceed he/she will convene a new panel comprising staff not previously involved at any stage of the case as appropriate. The outcome of the first hearing will, in such cases, be set aside and the case will be heard again in full (see Section 6 above). The panel may:

13.3.1 reach the same decision as the original panel;

13.3.2 make a new decision on the facts;

13.3.3 impose the same or a different penalty (which could be greater or lesser than the original)

13.4 The decision of this appeal panel is final.

14. Monitoring

14.1 The outcome of appeals against assessment outcomes and the operation of the policy and procedures are formally monitored and an annual report presented to Academic Board at the first meeting of the academic year.





established that the student deliberately intended to deceive the examiners, the offence becomes more serious and such premeditation will be taken into account when determining the sanction to be imposed.

- 3.2 It is not an offence for a student to draw upon the work or ideas of another person where this is appropriately acknowledged. Unintended plagiarism can be avoided by the accurate use of quotation marks, the provision of detailed references and a full bibliography. Guidelines on how to reference work and construct a bibliography are included in the Course Handbook, and are also available from the Library and Learning Resources Centre. Students who have any doubts about what constitutes correct referencing should contact their Course Leader or Unit tutor for guidance.

4. How Academic Misconduct Is Dealt With: Initial Procedures

*Formal Written Examinations*

- 4.1 Where an invigilator suspects a candidate of infringing examination rules, he/she shall, if possible in the presence of another invigilator to act as witness to the action taken:

- 4.1.1 confiscate any unauthorised material in the possession of the candidate;
- 4.1.2 endorse the candidate's script on the front cover with a note of the time when the alleged infringement is discovered. In the case of suspected collusion they should endorse the script of each candidate involved. Wherever possible they should require another invigilator to act as witness by countersigning the endorsement;
- 4.1.3 issue a new examination script booklet to the candidate(s) in question, clearly instructing them to continue (not to restart) the examination;
- 4.1.4 in the event of disruption being caused to the examination, the invigilator has authority to expel the student from the room;
- 4.1.5 inform the candidate(s) in question, at the end of the examination, that a report of the incident will be submitted to the Associate Dean;
- 4.1.6 enter brief details of the incident on the invigilator's report;
- 4.1.7 report the incident to the Associate Dean.

- 4.2 *Other Forms of Assessment (coursework, project work, folios, exhibitions etc)*

Where a member of staff suspects a student is culpable of academic misconduct in relation to assessed coursework, he/she shall:

- 4.2.1 Register that academic misconduct is suspected on the feedback sheet;

- 4.2.2 write a brief report detailing the location of any suspected plagiarism, collusion, or other form of academic misconduct;
- 4.2.3 in the case of plagiarism, provide a copy of the submission and plagiarised sources; and
- 4.2.4 report the suspicions to the Course Leader and the Associate Dean.
- 4.3 It is important that the Course Leaders exercise their judgement as to whether, in the first stage of Undergraduate Courses (Year 0 in four year Honours degrees or Stage 1 in three year Honours degrees) or the Exploratory Stage of FE courses, an example of plagiarism should be dealt with as a tutorial matter, using the example as a means of assisting students to develop competence in higher level study skills and academic conventions. Care should be taken to establish a climate in which condemnation of plagiarism and the importance of acknowledging sources of information and inspiration are both explicitly addressed.
- 5. How Academic Misconduct is Subsequently Dealt With: Formal Investigative Procedure
  - 5.1 Upon receipt of any allegation of academic misconduct, the Associate Dean shall decide if there is sufficient prima facie evidence to suggest that the student has contravened the assessment regulations. In establishing whether there is sufficient evidence, the Associate Dean may require the student to attend a meeting with the Course and Unit Leaders.
  - 5.2 If the Associate Dean decides that there is not sufficient prima facie evidence, he/she shall request that the appropriate Assessment Board considers the work on its academic merits.
  - 5.3 If the Associate Dean decides that there is reason to believe that the student may have contravened the assessment regulations, he/she shall write to the student concerned:
    - 5.3.1 to present the allegation(s);
    - 5.3.2 to request a written statement in response to the allegation(s) and any factors which the student would like taken into account;
    - 5.3.3 to request a reply within 7 working days of the date on which the letter is sent, and to explain the consequences of failure to reply;
    - 5.3.4 to enclose these regulations;
    - 5.3.5 to also enclose copies of any evidence or report, if so desired; this would be at the discretion of the Associate Dean; and
    - 5.3.6 to advise the student of the service that the Students' Union provides in supporting students who have been presented with an allegation of misconduct

- 5.4 If a written reply from the student is received within 7 working days of the date of despatch of the letter, admitting that academic misconduct has taken place, the Associate Dean shall set an appropriate penalty if the academic misconduct relates to assessment at the first attempt or Referral. The sanction will normally be consistent with those shown in Section 8 below.
  - 5.5 If the student replies within the time limit denying the charge and the academic misconduct relates to assessment at the first attempt or Referral, the Associate Dean shall consider the allegation, in light of the student's response, in consultation with the Unit Leader, Course Leader and/or other staff as appropriate.
  - 5.6 Where the alleged misconduct relates to assessment at Retake the Associate Dean will refer the matter to the Academic Registrar who will convene an Academic Misconduct Panel to formally investigate the allegation(s).
  - 5.7 Where the admitted misconduct is of a very serious nature that may merit the sanction of suspension or expulsion the Academic Registrar will consult with the Deputy Vice Chancellor on the convening of an Academic Misconduct Panel to hear the case, in order to ensure natural justice.
  - 5.8 If following the student's response it is considered that there is no case to answer, the charge shall be dropped.
  - 5.9 If following the student's response it is considered that there is still a case to answer, the Academic Registrar, at the request of the Associate Dean, will convene an Academic Misconduct Panel to formally investigate the allegation(s).
  - 5.10 Where it is considered that there is still a case to answer and that the allegation might, if proven, merit the penalty of suspension or expulsion, the Academic Registrar will consult with the Deputy Vice Chancellor on the convening of an Academic Misconduct Panel to hear the case.
  - 5.11 Students not replying to the Associate Dean letter, without good cause, will be considered guilty of all allegations charged and an appropriate sanction will be imposed (see Section 8 below) or the matter will be referred to the Academic Registrar in accordance with 5.5 and 5.6.
6. Operation of the Academic Misconduct Panel
- 6.1 The precise membership of the Panel shall be determined by the Deputy Vice Chancellor, and will comprise:
    - 6.1.1 Two Associate Deans or Deans, who do not have any responsibilities for the course or subject area in which the student is formally registered as a student; and
    - 6.1.2 The Head of Quality, Standards & Assessment or his/her nominee.
  - 6.2 The Deputy Vice Chancellor will nominate one of the Deans or Associate Deans specified in 6.1.1 above to act as Chair.

- 6.3 A Registrar from an academic area in which the student is not formally registered as a student will act as Secretary to the Panel.
- 6.4 The Deputy Vice Chancellor shall establish rules of procedure for the hearing. These shall include:
  - 6.4.1 the student shall be given in writing not less than 10 working days notice of the hearing together with the allegation and copies of any statements or other written evidence in support of the allegation
  - 6.4.2 the student shall, not less than 5 working days before the hearing, forward to the Academic Registrar a written statement and other supporting evidence (if appropriate) in response to the allegation
  - 6.4.3 the student shall have the right to appear before the Panel to discuss the allegation and has the right to be accompanied by a friend, student representative or other representative
  - 6.4.4 the Associate Dean in which the student is registered will present the allegation and any supporting evidence, may call witnesses and question the student.
  - 6.4.5 the Panel shall give the student whose actions are under consideration the opportunity, either personally or by his/her representative, to address it orally, present documentation, call witnesses and question witnesses called by the Associate Dean
  - 6.4.6 the Panel shall question the witnesses as appropriate
  - 6.4.7 both the Associate Dean and the student (either personally or by their representatives) shall have the opportunity to summarise the evidence for and against the allegation
  - 6.4.8 if in exceptional circumstances the Panel deems it appropriate, it may adjourn the hearing for a short period to allow further investigation of the relevant evidence.
- 6.5 The Panel will consider its decision in private after the evidence has been heard, and determine in light of the evidence presented whether an offence has been committed and, if it has, what sanction should be imposed in accordance with Sections 7 and 8 below. The panel will reach its decision by simple majority vote.
- 6.6 If the Panel considers that the seriousness of the offence warrants a sanction of suspension or expulsion, it will submit a formal recommendation to the Deputy Vice Chancellor.
7. Determination of Sanction to be Imposed
  - 7.1 In determining the sanction to be imposed, the Panel will assess the seriousness of the academic misconduct using the following criteria:
    - 7.1.1 *Premeditation*

An act which is planned in advance will normally be considered more serious than one which is committed on the spur of the moment. Similarly, an act which is deliberate or intended will normally be considered a more grave offence than one which has arisen by mistake or through ignorance.

7.1.2 *Previous history*

An act which has been carried out by a student with a previous history of academic misconduct will normally be considered more serious than an act committed by a student who does not have a history of academic offences.

7.1.3 *Scale*

An act of academic misconduct which is substantial will normally be considered more serious than one which involves a lesser degree of academic dishonesty.

7.1.4 *Theft or falsification*

An act involving the theft or falsification of another person's work or results will normally be considered more serious than one which involves the authorised but unattributed use of that other person's work.

7.1.5 *Effect on other students*

An act which has an adverse effect on the standing or well being of another student(s) will normally be considered more serious than an act which only affects the person who is culpable of academic misconduct.

7.2 Any other factors pertinent to the individual case which are considered relevant in determining an appropriate sanction will also be taken into account.

7.3 Any instance of academic misconduct which is a criminal offence will invoke the University Disciplinary Procedure.

8. Sanctions

8.1 Where formal investigations result in a student being found guilty of academic misconduct, the range of possible sanctions is as follows:

8.1.1 Absolutely discharged, which means that although the student may be technically guilty of the academic misconduct alleged, no blame should be attached to his or her actions;

8.1.2 Cautioned, which means that no penalty is imposed, but if the student is found guilty of academic misconduct on a subsequent occasion in the following twelve months, or some other specified period, he or she will then be dealt with for both offences;

8.1.3 failure in the unit in question, to be retrieved under the University's Retake provisions without attendance;

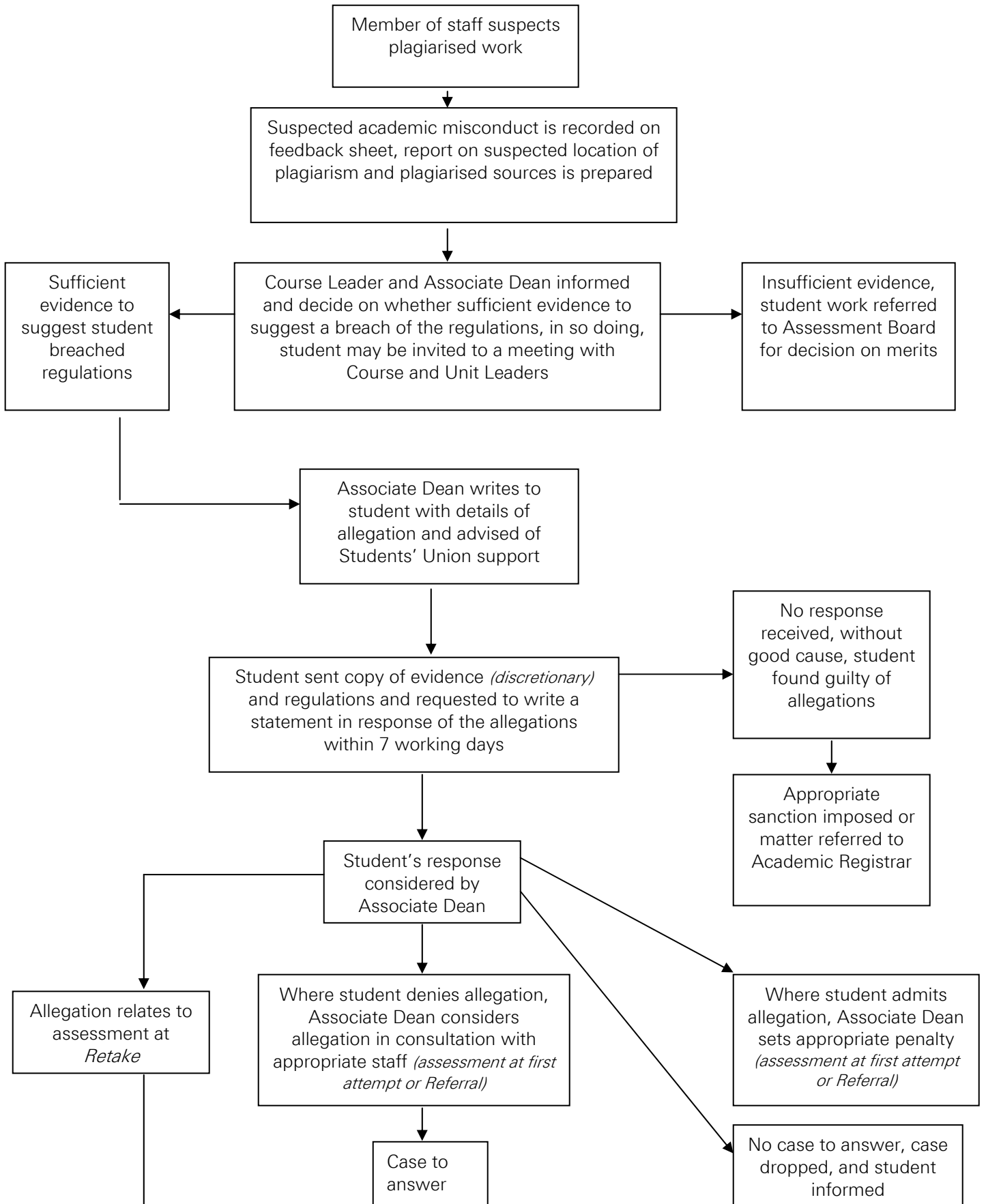
- 8.1.4 failure in the unit in question, to be retrieved under the University's Retake provisions with attendance;
  - 8.1.5 in the case of 8.1.3 and 8.1.4, a further penalty of a mark of '0' may be entered into the Student Transcript. Credit will be awarded only where the retrieval has been successful;
  - 8.1.6 requirement that the student interrupts from the University;
  - 8.1.7 any other sanction deemed appropriate by the Academic Misconduct Panel, subject to the approval of the Academic Registrar or his/her nominee;
- 8.2 In cases of very serious allegations the Panel may recommend to the Deputy Vice Chancellor that sanctions of suspension or expulsion be imposed.
- 8.3 In all cases in which a student is found culpable of academic misconduct, the student will automatically forfeit his/her right to be reassessed under the University's Referral provisions following an initial failure.
- 8.4 In all cases in which a student is found culpable of academic misconduct in respect of a submission under the University's Retake provisions, the Panel will use the criteria stipulated in 7 to determine whether the student's studies should be terminated.
- 8.5 Where a student is awarded a Retake by the Academic Misconduct Panel, but decides not to undertake the Retake and instead exit the Course with a lower award, he/she will not be allowed to re-submit for an honours degree at a later stage (see Assessment Regulations).
- 8.6 In addition to the above penalties, at the Panel's discretion, the student transcript may be annotated in relation to the Unit in question by the insertion of a suffix of [PI]. The Panel will determine whether or not the suffix should be applied taking into account the criteria listed in section 7, i.e. the degree of premeditation, previous history, scale, theft or falsification, effect on other students and any other factors pertinent to the individual case which are considered relevant.
9. Outcome
- 9.1 At the discretion of the Chair of the Academic Misconduct Panel, the student and his/her friend may be recalled in person at the conclusion of the investigatory meeting to be informed of the decision(s) reached by the Panel.
- 9.2 In any event, the student(s) concerned will be notified in writing of the outcome of the Panel's deliberations and reasons for the decision within five working days of the meeting by the Academic Registrar.
10. Grounds for Appeal
- 10.1 A student may appeal against the findings of an Academic Misconduct Panel to the University Secretary or, where a sanction of suspension or expulsion was imposed, the Vice Chancellor. The appeal may be made on one or more of the following grounds:

- 10.1.1. that new, substantive evidence has become available which may have had some material impact on the case such that the outcome may have been affected;
      - 10.1.2 that there has been some procedural irregularity in the conduct of the investigation and/or hearing which may have had some material impact on the case;
      - 10.1.3 that the findings of fact do not support a finding of guilt;
      - 10.1.4 that the penalty imposed is inappropriate in all the circumstances of the case.
    11. Limitation Period for Appeal
      - 11.1 There is a time limit of seven working days from the date of the outcome being notified to the student in which he/she may submit an appeal which must include the full grounds on which the appeal is based.
      - 11.2 Where a student is notified of the outcome by letter posted to his/her home and term-time addresses and pigeonhole, the time period for lodging an appeal will commence two working days after the letter is posted.
    12. Consideration of the Appeal
      - 12.1 The University Secretary or the Vice Chancellor, as appropriate, shall consider the student’s case in light of the permissible grounds for appeal as specified in 10.1 above. In determining whether the appeal is to be allowed the University Secretary or Vice Chancellor will consider both the details of the case, as contained in the final report, and any examples of precedent from similar cases.
      - 12.2 On receipt of a written appeal, the University Secretary or Vice Chancellor will respond to the appellant within ten working days, stating whether or not the appeal is to be permitted and what action will follow. The decision of the University Secretary or Vice Chancellor to permit or disallow an appeal shall be final.
      - 12.3 If the University Secretary or Vice Chancellor agrees that appeal may proceed he/she will convene a new Panel comprising staff not previously involved at any stage of the case. The outcome of the first hearing will, in such cases, be set aside and the case will be heard again in full (see Section 6 above). The Panel may:
        - 12.3.1 reach the same decision as the original Panel;
        - 12.3.2 make a new decision based on the facts;
        - 12.3.3 impose the same or a different penalty (which could be greater or lesser than the original)
      - 12.4 The decision of the Panel is final.

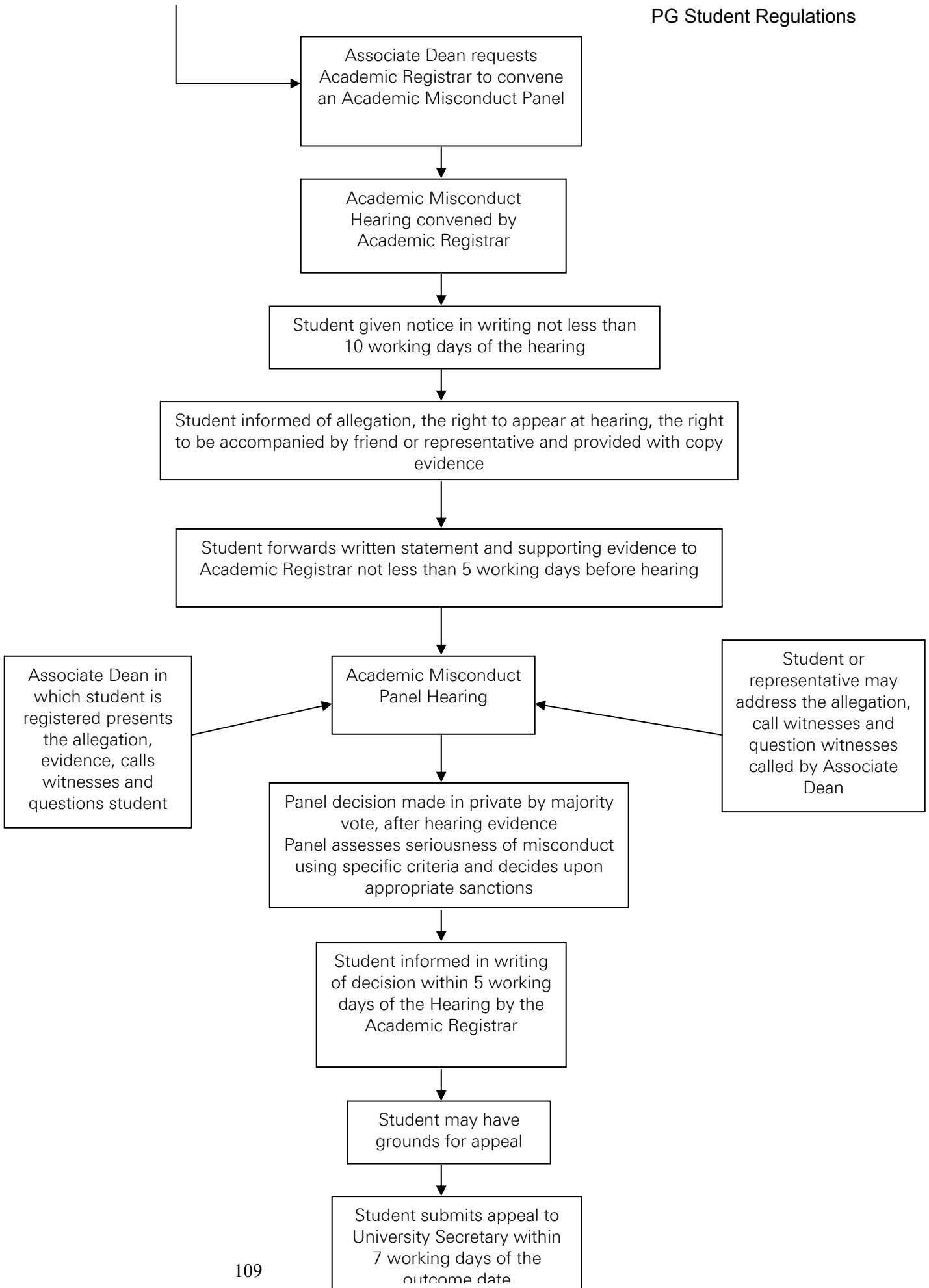
13. Monitoring

- 13.1 The outcome of academic misconduct cases and the operation of the policy and procedure are formally monitored and an annual report presented to Academic Board at the first meeting of the academic year.

Flowchart of academic misconduct procedures and sanctions relating to plagiarism



# PG Student Regulations



## APPENDIX 3: Student Complaints Policy

### 1. Introduction

- 1.1 The University takes genuine complaints from students seriously. We aim to ensure that student complaints are dealt with promptly and fairly, in a consistent and efficient manner across the University, and in accordance with the principles of natural justice. We also aim to learn from the outcomes of complaints' investigations in order to help us to improve our services and enhance the student experience.
- 1.2 Wherever possible, we will aim to address your concerns about your course, University services or any other aspects of your experience at UCA informally through discussion. It is important that you raise any issues of concern locally, at an early stage, with the appropriate contact (see Annex A for contacts) in order to find an early resolution.
- 1.3 The University, its students and staff have rights and responsibilities under this procedure. Consequently, students who have complaints must make them in good faith and without malice. Students who make complaints that are frivolous, vexatious, malicious, obscene or abusive may be subject to disciplinary action under the *University's Rules for Student Conduct* (see section 6 of the *Student Regulations Handbook*).
- 1.4 All complaints will be confidential within the complaints procedure. However, a copy of the written complaint, with any enclosures, will be forwarded to any member(s) of staff concerned in the matter as part of the investigation.
- 1.5 Anonymous complaints will not be considered. However, in certain cases, and where permitted by the rules of natural justice, complainants may be given 'anonymity' within the process. If you would like to explore this option, contact the Student Appeals & Complaints Manager.
- 1.6 The Student Appeals & Complaints Manager will monitor and review the number, level and type of complaints that are made over the course of each academic year. These data will form part of the measures used to assess and enhance the University's services. A report will be made annually to the Academic Board and Board of Governors.

### 2. Who can advise me if I am unhappy about my experience of UCA and its services?

- 2.1 If you have any concerns about your experience of UCA and its services you should speak, informally, to any of the following people:
- Your Course Representative
  - A Student Union representative
  - Your Registrar
  - Unit Leader, Course Leader or Associate Dean
  - Dean of Faculty
  - Campus Welfare & Advice Manager or any member of the Student Development Services Team

They can help you to identify the best course of action or put you in contact with a person who can assist you.

### 3. What type of complaints may be considered under this Procedure?

- 3.1 We define a complaint as an expression of dissatisfaction caused by a University service either failing to match the standards of service promised or failing to match the standards that it would be reasonable to expect.

3.2 Examples of grounds for complaint include:

- A failing in a University academic or support service
- Misinformation about academic programmes
- Inadequate provision of a programme of study
- Inadequate facilities
- The behaviour of a member of staff.

3.3 In order to lodge a formal complaint, you must be a registered student on an accredited course/programme of the University. If you have completed your studies and are, therefore, no longer registered, you are normally allowed a further month from your last date of attendance in which to lodge a complaint.

**4. What will not be considered under the Complaints Procedure?**

4.1 The following will not be considered under the Complaints Procedure:

4.1.1 Complaints or appeals against decisions of examiners, or otherwise relating to assessment or academic progress, which are dealt with by the *Policy and procedures on appeals against assessment outcomes* (see Appendix 1 of the *Student Regulations Handbook*, or for further advice go to:

<http://www.ucreative.ac.uk/index.cfm?articleid=11325>). However, where such an appeal is based, in the view of the Student Appeals & Complaints Manager, on a complaint not wholly related to the conduct of the assessment and which requires an investigation which falls outside the remit of the *Policy and procedures on appeals against assessment outcomes* then, at the discretion of the Student Appeals & Complaints Manager, those aspects of the appeal may be dealt with under the provisions of this Complaints Procedure. In this case, the findings will inform the consideration of the appeal, and the appeal will be held in abeyance until the completion of the Complaints Procedure.

4.1.2 Matters of academic judgement, which cannot be the subject of either a complaint or an appeal.

4.1.3 Complaints or appeals arising from action or decisions taken under the *University Rules for Student Conduct* or the *Policy and procedures on academic misconduct* (see Appendix 2 of the *Student Regulations Handbook*) each of which has its own appeals procedure.

4.1.4 Where your complaint is against another student and it is alleged that the Rules for Student Conduct have been breached, in which case the investigation will be conducted in accordance with the principles set out in the *University Rules for Student Conduct*.

4.2 If the complaint relates to an allegation of bullying, harassment or intimidation, in which case it will be processed in accordance with the Procedure set out in the *Bullying & Harassment Policy* (see Appendix 6 of the *Student Regulations Handbook*).

4.3 This Complaints Procedure will only apply to complaints initiated and conducted by an individual student or group of students and not by third parties. A complainant does, however, have the right to be accompanied and assisted by a friend, who shall *normally* be a member of the University.

**5. How does the Complaints Procedure work?**

5.1 The Procedure falls into three parts:

- i) Informal stage
- ii) Formal stage
- iii) Appeal stage

5.2 Informal stage: Local resolution of your complaint

5.2.1 Complaints are generally best dealt with locally by the people most closely involved with the issues. If you have a complaint, you should first discuss the matter either directly with the source of the complaint or alternatively with the person responsible for the department or area that is the source of your complaint.

5.2.2 Annex A provides a list of people you might contact. However, if you are unsure who to contact, you can speak to any of the following for advice:

- Your Course Representative
- A Student Union representative
- Your Registrar
- Unit Leader, Course Leader or Associate Dean
- Dean of Faculty
- Campus Welfare & Advice Manager or any member of the Student Development Services Team

5.2 Formal Stage: making your complaint

5.2.1 If you are dissatisfied with informal attempts to resolve your complaint and wish to take the complaint further, you should make your complaint in writing using the complaints form. The form can be downloaded from [www.ucreative/complaints](http://www.ucreative/complaints). Send the completed form to the Student Appeals & Complaints Manager. This can be done via the Registrar's office on each campus. A complaint should normally be raised within a month of the actions or events that prompted the complaint.

5.2.2 The complaints form asks you to describe your complaint outlining key dates and facts. It also asks you to suggest how you would like the matter resolved. This will clearly depend on the nature of your complaint, but it may include anything from a simple apology to a fee waiver in more serious cases.

5.2.3 In addition, the complaints form asks you to provide evidence to support your complaint. This might include a summary of what you have done to resolve your complaint informally, evidence from witnesses to the cause of the complaint, emails or written correspondence that support the complaint, etc. We understand, however, that in some cases it may be difficult to provide such concrete evidence.

5.2.4 On receipt of your complaint, the Student Appeals & Complaints Manager will nominate a senior member of staff (the investigating officer) from a part of the University unconnected with your complaint to investigate the circumstances of your complaint.

5.2.5 Where a complaint is made against a member of staff, a copy of your complaint will normally be sent to them for their response, unless you have been granted permission to remain anonymous (see paragraph 1.5 above). In this case the substance of the complaint will be passed on to the relevant member of staff concerned.

5.2.6 Where your complaint is against a member of staff, the investigating officer will deal with the matter on the basis of the principles set out in the appropriate employment policies.

5.2.7 When the investigating officer has completed the investigation, they will determine one of the following, in consultation with the Student Appeals and Complaints Manager:

- i) that there is substance in the complaint and what action(s) should be taken in response;
  - ii) that there is no substance to the complaint and that no further action need be taken;
  - iii) that there is no substance to the complaint and that the complaint has been shown to be vexatious or malicious. In this case, disciplinary action may be taken against the complainant.
- 5.2.8 In all cases you, and all other parties involved, will be informed in writing of the outcome of the complaint.
- 5.2.9 The Student Appeals & Complaints Manager will aim to provide a response within 20 working days<sup>32</sup> of receiving a complaint. Complex cases may, however, take longer to investigate with the appropriate levels of care and thoroughness. Should this be the case you will be informed of any likely delay (and the reasons for the delay) at the earliest possible opportunity.
- 5.2.10 The Student Appeals & Complaints Manager will reply to the complainant, setting out the University's decision and the evidence upon which it has been based.
- 5.3 Appeal stage
- 5.3.1 You may appeal against the University's decision on the following grounds:
- i) any procedural irregularity which has materially disadvantaged you in making your complaint;
  - ii) the emergence of new and relevant material that was not available at the time the complaint was first submitted;
  - iii) evidence that the decision was unreasonable.
- 5.3.2 You must appeal in writing to the Vice-Chancellor within 20 working days of receiving the letter informing you of the University's decision.
- 5.3.3 The Vice-Chancellor will appoint a nominee, who will not have been previously involved in the case, to review the case and decide either to:
- i) confirm that the complaint has been resolved satisfactorily;
  - ii) resolve the complaint;
  - iii) establish a Complaints Panel to hear the complaint.
- 5.3.4 You will receive a letter stating the reasons for the decision that is made. If the decision is to reject the appeal, a Completion of Procedures letter will be issued.
- 5.3.5 If the Vice-Chancellor's nominee establishes a Complaints Panel, they will appoint a Chair who is independent of the matter under consideration. The Chair will normally co-opt two independent members of staff and an elected student representative, (normally an officer of the Students Union). Where it is deemed inappropriate for a student to be co-opted, an additional member of staff will be asked to serve on the Panel.

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<sup>32</sup> Throughout this document, 'days' refers to full working days where the University is open as normal. Bank holidays, weekends and periods of closure do not qualify as 'days' within this definition.

- 5.3.6 The Complaints Panel will review the complaint and the actions taken or proposed to resolve the issue. You will be given a formal opportunity to be heard through the Panel. You and any staff or students who are the subject of the complaint may be accompanied at the Panel by a friend, who shall normally be a member of the University.
- 5.3.7 You will be notified in writing of the Panel's decision within 10 working days of the Panel hearing. This will be the final decision of the University upon the matter and will, therefore, be accompanied by a Completion of Procedures letter.

**6. What if I am *still* dissatisfied with the outcomes of the Complaints Process?**

- 6.1 If you remain dissatisfied with the outcome of the University's attempts to resolve your complaint, you may refer your complaint to the Office of the Independent Adjudicator for Higher Education (OIA). The OIA provides an independent scheme for the review of unresolved student complaints.
- 6.2 You have 3 months from the date of issue of the Completion of Procedures letter to refer your complaint to the OIA.
- 6.3 Further details about the OIA can be obtained from the Student Appeals & Complaints Manager, from the following website: <http://www.oiahe.org.uk/> or by contacting the OIA at the following address:

The Office of the Independent Adjudicator for Higher Education  
Fifth Floor  
Thames Tower  
Station Road  
Reading  
RG1 1LX  
Telephone: 0118 959 9813  
Email: [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk)

**Who to contact to resolve your complaint locally or to receive advice**

In all cases, the following are able to provide guidance in helping you to get your complaint resolved:

- Registrar
- Welfare & Advice Services
- Students' Union

<b>What your complaint is about</b> (This list is not intended to be exhaustive)	<b>Who to contact first</b>	<b>Who to contact next if you are not satisfied with the response</b>	<b>Who to contact next if you are not satisfied with the response</b>
Your course and its delivery, e.g. <ul style="list-style-type: none"> <li>• The course content delivered does not match the course guide or handbook.</li> <li>• Course timetables are not kept to and no reasonable explanation is given.</li> <li>• There are problems over access to course facilities or equipment.</li> <li>• Teaching or tutorial sessions are not to an acceptable standard.</li> <li>• Learning and teaching materials are not to an acceptable standard.</li> </ul>	Course Leader or your Student Rep or Registrar	Associate Dean	Registrar who will inform the Dean of Faculty
Inaccurate or misleading information in the University's prospectus, course leaflets or other publications including the UCA web site	Press & Public Relations Manager	Assistant Director of Marketing & Communications	Registrar who will inform the Director of Marketing & Communications
The Library & Learning Centre services and facilities	Campus LLC Manager	LLC Customer Services Manager	Registrar who will inform the Head of Library & Learning Services

<b>What your complaint is about</b> (This list is not intended to be exhaustive)	<b>Who to contact first</b>	<b>Who to contact next if you are not satisfied with the response</b>	<b>Who to contact next if you are not satisfied with the response</b>
The Careers Service	Campus Careers Adviser	Careers Service Manager	Registrar who will inform the Head of Student Development Services
Student Development Services e.g. Disability Support, Counselling, International Student Advice, English for Academic Purposes, Welfare and Advice Services.	Campus Welfare & Advice Manager	Head of Student Development Services	Registrar who will inform the Director of Academic Services
University owned or leased accommodation	Accommodation Services Officer	Accommodation Services Manager	Registrar who will inform the Director of Estates
Catering or Refectory Services	Campus Refectory Manager	Bar & Catering Services Manager	Registrar who will inform the Director of Estates
Students' Union NB The Students Union has its own complaint procedure. This is set out in the Constitution which can be obtained at: <a href="http://www.ucasu.com/pages/your_union/constitution_2008.html">http://www.ucasu.com/pages/your_union/constitution_2008.html</a>	Activities & Development Officer	Clerk to the Board of Governors	The Board of Governors will appoint an independent person to consider and resolve the complaint

## APPENDIX 4: Mitigating Circumstances Policy

### Mitigating Circumstances Policy

1. Students are responsible for managing their learning, revision and assessment activities throughout the whole duration of their studies. The University recognises that illness and difficult or distressing life events do occur, but considers it a normal part of everyday life to have to manage these, and continue with work or study. The University does however operate a policy to ensure that students suffering from serious illness and other forms of exceptional and unforeseen interference with their academic performance are treated fairly during the assessment process.
2. In no case will mitigating circumstances be considered without proper and appropriate documentation to substantiate the claim.

### Mitigating Circumstances Procedures

3. Any student who believes that his/her performance in assessment has been adversely affected by exceptional and unforeseen circumstances, including illness warranting a medical certificate, should bring such matters to the attention of the Registrar on the appropriate Mitigating Circumstances Form, **normally in advance of** the submission deadline, unless the nature of the circumstances prevents a student from doing so (e.g. if they are suddenly hospitalised). A student whose claim is not accepted will still have to meet the submission deadline or this will be treated as non-submission, the student will be awarded a mark of O and will only have once further chance to retrieve that failure.
4. In exceptional and severe circumstances, where students wish to draw attention to confidential matters, they may request that the form is sent to the Chair of the appropriate Unit Assessment Board.
5. Copies of the Mitigating Circumstances Form are available from the College Office. **Separate forms must be completed for each affected Unit.**
6. All claims must be supported by appropriate written evidence. The Mitigating Circumstances Form, along with all supporting evidence, should be provided by the student to the Registrar. It is the student's responsibility to ensure that the Registrar receives the form and all corresponding documentation in support of any claim.
7. The Registrar will pass the form to the appropriate Course Leader. If Course Leader considers that the claim should be accepted, he or she may offer a student an extended deadline of up to 3 weeks for completion. Any recommendations to offer extensions of longer than 3 weeks must be referred to the Associate Dean for authorisation. No penalty will be applied in the case of these extensions. The extension must start at the date of the submission deadline and must be commensurate with the number of days lost or expected to be lost due to illness or other accepted reason as substantiated through the

submitted evidence. A record of each decision to offer a student an extension, including the appropriate evidence and units covered, must be lodged with the Registrar by the Course Leader or Associate Dean. It is expected that most mitigating circumstances will be resolved in this manner.

8 In considering the claim forms submitted by students for mitigating circumstances to be taken into account at assessment, Associate Deans and nominees should follow the guidance below in order that parity of treatment can be ensured across all Colleges:

- i) ensure that the student has provided all the information requested on the form and any necessary supporting evidence
- ii) check that the form has been signed by the student and dated when it was submitted
- iii) ensure that any extension to the deadline, as a result of the claim, relates to the accepted days lost
- iv) consult with the relevant unit leaders and course leaders regarding the units affected.

9 Decisions relating to mitigating circumstances are matters of judgement. Each case will be considered on its merits, but the following guidance on specific issues is offered:

- i) Bereavement: Mitigation will be accepted normally for close relations only. (A judgement call might be made in the case of others). Normally a maximum extension of 10 working days.
- ii) Postal submission: Postal submissions may be permitted after the deadline, provided that they have been posted by the deadline date. Postal submissions should normally only be made out of term-time and only with prior agreement. The postmark should indicate that the submission has been posted on the deadline date.
- iii) E-mail submissions: Submission by e-mail will not normally be accepted.
- iv) Employment reasons: Employment commitments will not be accepted.
- v) Depression/distress: This must be corroborated by a doctor, counsellor or other suitably qualified practitioner.
- vi) Illness during non term-time: Illness during non term-time will only be accepted as mitigation for Retrieval and Retake submissions.
- vii) Family illness/circumstances: Family illness and extenuating circumstances only apply to close family members and will only be accepted if notified as soon as the illness occurs and with verification.
- viii) International students who have to return home due to family illness/circumstances: This will only be accepted if a claim is made immediately (i.e. as soon as a student becomes aware that they must return home) and supporting documentary evidence is provided. [If the

student is unable to submit a claim form, then there must be immediate notification].

- ix) Deadline date misunderstood: This is only accepted where there is clearly evidence of oral or published miscommunication by the Unit/Course Leader.
  - x) Equipment failure: If there is a major failure of University equipment (egg of the network preventing access to necessary software or printers) close to an submission deadline, all students affected will be granted an appropriate extension at the discretion of the appropriate Course Leader, upon confirmation of the breakdown by the Head of Computing Services (or their nominee) or the member of campus-based staff with responsibility for Resources, designated by the Executive Dean. Breakdown of personal equipment will not be accepted.
- 10 If the Associate Dean or nominee believes that the mitigating circumstances are deemed valid and have been substantiated but that an extension is inappropriate, a recommendation to offer one of the following actions will be made to the Unit Assessment Board:
- i) if sufficient work is submitted which satisfactorily demonstrates the learning outcomes of the unit, then the student will be given the option to receive the awarded mark. Such a choice would not disadvantage a student in Stage one of their studies. If the student chooses not to accept the mark, they will be permitted to re-submit as if for the first time. The mark awarded following re-submission will stand.
  - ii) if no work is submitted, or if any submitted work does not satisfactorily meet the learning outcomes, the student will be permitted to re-submit by an agreed deadline as if for the first time.
- 11 The recommendation to offer a student one of these options can only be made with the written consent of the Chair of the Unit Assessment Board. As above, a record of the decision must be lodged with the Registrar.
- 12 It is the responsibility of Unit Assessment Boards to monitor the incidence and period of extensions awarded and to confirm the recommendations relating to claims for mitigating circumstances where actions other than extensions to deadlines are recommended. Registrars will ensure all mitigating circumstances claim forms are available for the Unit Assessment Board meetings.

- 13 In addition the full profile of students facing termination of studies should be considered by the Registrar prior to the Progression & Award Board. Consideration should be given to those students who have claimed mitigating circumstances for a unit, which has been accepted, but who have not done so for a failed unit within the same assessment period. If the Registrar believes the circumstances justify it, then a recommendation should be brought to the Progression & Award Board regarding the failed unit.

## **APPENDIX 5: Equality & Diversity Policy**

### **1 Policy Statement**

- 1.1 The University is committed to providing equality of treatment, both as a provider of higher and further education to students and as an employer, and equal opportunities will continue to play a key role in the development of policy and day-to-day activity within the institution.
- 1.2 The University acknowledges and accepts its legal responsibility under the Race Relations (Amendment) Act 2000<sup>33</sup>, the Disability Discrimination Act 1995, the Disability Discrimination Act 2005, the Employment Equality (Age) Regulations 2006 and the Sex Discrimination Act 1975 to protect and enhance the rights of staff and students and to promote equality of opportunity.
- 1.3 The University is committed to providing a learning, working and social environment in which the rights and dignity of all its members are respected and which is free from discrimination, prejudice, intimidation and all forms of harassment including bullying.
- 1.4 All forms of discrimination will be dealt with according to the institution's disciplinary procedures covering staff and students to ensure that no one is discriminated against unfairly on the following grounds:
  - Gender (including transgender and transsexual identity)
  - Disability
  - Sexual identity or orientation (lesbian, gay, bisexual and heterosexual)
  - Race or ethnicity
  - Nationality (including citizenship)
  - Ethnic or natural origins
  - Age
  - HIV status
  - Relationship or marital status
  - Faith or religious belief
  - Membership or non-membership of a Trade Union
  - Physical appearance
  - Political views

### **2 Responsibilities**

- 2.1 The Board of Governors of the University holds ultimate responsibility for the implementation of this policy and for meeting the obligations under the Race Relations (amendment) Act 2000 and the Disability Discrimination Act 2005.
- 2.2 The Board of Governors will consider annually:

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<sup>33</sup> Further information is contained in the Race Equality Policy and Action Plan

- the information published under this policy;
- the steps which have been taken to act upon any such information or otherwise to promote equality of opportunity or tackle all forms of discrimination; and
- any proposals made by the Equality & Diversity Committee through the Executive for the review of this policy.

2.3 Following such consideration the Board of Governors may:

- make additional recommendations in relation to any further steps which are considered desirable in view of the University's duties to promote equality of opportunity or tackle all forms of discrimination; and
- review and amend this policy.

2.4 The Vice-Chancellor will be responsible for:-

- ensuring that the policy is implemented and that sufficient resources are allocated for that purpose;
- designating a member of the Senior Management Team to be responsible for facilitating, co-ordinating and monitoring the implementation of this policy on an institution-wide basis;
- advising, as Chair of the Equality & Diversity Committee, the Executive Group and Senior Management Team in relation to specific tasks to be carried out to fulfil the University's duties under the legislation and its commitments under this policy.

2.5 The Equality & Diversity Committee is responsible to the Executive for the oversight of the operation of the Equality and Diversity Policy throughout the University's activities in relation to staff, students and visitors. It is responsible for:

Promotion of equality and diversity

- acting as a forum in which significant equality and diversity opportunities (age, disability, ethnicity, gender, religion, sexual orientation, or any other relevant distinction), implications and issues are discussed
- promoting awareness of equality and diversity opportunities and practices across the whole University and disseminating information regarding the Equality and Diversity Policy and related issues
- promoting opportunities and mechanisms which will enable all constituencies within the University to voice their views and concerns, regarding issues relating to equality and diversity opportunities
- ensuring that all members of the University receive appropriate training or instruction in equality and diversity issues and that new staff receive induction training in the promotion of good relations and elimination of all forms of discrimination

- v monitoring changes in relevant legislation to ensure compliance and the promotion of best practice within the University

#### Monitoring, evaluation and review

- vi reviewing and making recommendations to the Executive, using appropriate benchmarking, on all current and draft University policies and procedures to ensure equality of opportunity across the whole range of University activities
- vii monitoring progress towards reaching equality and diversity targets within the University and against the Race Equality Action Plan
- viii reviewing termly reports on the number, type and outcomes of complaints of discrimination and/or harassment made by members of staff and students
- ix considering annual monitoring reports from Academic Board and the Senior Management Team in respect of students and staff respectively and providing the Executive with an annual overview report on equality and diversity for submission to the Board of Governors

#### Advice and consultation

- x providing advice on equality and diversity opportunity issues as and when required, and investigating all equality and diversity opportunities issues that are brought to the Committee's attention.
- xi consulting with trade unions, managers, staff and students within the University and with the wider community on equality and diversity issues

2.6 Executive Deans, heads of departments and their Line Managers/Supervisors will have a responsibility to ensure that all staff are made aware of their responsibilities and are provided with the appropriate training and support.

2.7 The Deputy Vice-Chancellor and Executive Deans will have a responsibility to ensure that equality is promoted within the academic portfolio.

### **3 Processes**

#### 3.1 Assessing the impact of policies

3.1.1 The University has a duty to assess the impact of its policies on different groups of staff and students. For this purpose, the term 'policies' includes not only formal written policies of the University but also informal and unwritten policies, practices and decision-making processes which may have an impact on members of different groups.

3.1.2 The Assistant Director of HR will:

- identify the information which will be required in order to make a proper assessment of the impact of the highest priority policies;
- recommend a timetable for the collection of that information and the assessment of those policies;
- identify whether new policies need to be devised which will then be subject to the same impact assessment process; and
- recommend a programme for the assessment of policies to the Equality & Diversity Committee.

### 3.1.3 The Equality & Diversity Committee will:

- ensure that policies are appropriately prioritised for assessment of their impact on relevant equality and diversity issues; and
- ensure that monitoring of the implementation of the impact assessment programme takes place in accordance with the specified timetable and that, once established, it continues to be conducted and kept under review.

### 3.1.4 The purpose of the assessment of policies will be primarily to answer the following questions:-

- the extent to which different groups of staff and students are achieving and fulfilling their potential;
- how differences between groups of students can be explained, for example in relation to retention in terms of their participation, progression and achievement;
- whether any additional steps would be likely to be effective in promoting greater levels of achievement in relation to any such groups of students;
- whether there are differences between groups of staff in terms of grade and position, type of contract, frequency of promotion, access to and participation in training and participation in University activities outside work;
- whether any additional steps could be taken which would be likely to be effective to improve the achievement of any such groups;
- what action is already being taken to promote equality and tackle inequalities in the relevant area; and
- what changes does the University need to make to policies, relevant policy aims and related targets and strategies?

## 3.2 Monitoring, evaluation and review

### 3.2.1 The University has a duty to monitor, by group:

- student application, enrolment, progression and achievement; and
- staff recruitment and career progression.

### 3.2.3 The Assistant Director of HR will:

- identify the information which will be required to carry out the monitoring of equal opportunities for students, and the way in which it will be collected<sup>34</sup>;
- recommend a timetable for the collection of that information;
- draw up a list of the activities to be monitored by the University relating to staff recruitment and selection and to career development and opportunities for promotion;
- identify the information which will be required to carry out that monitoring and the way in which it will be collected<sup>35</sup>;
- recommend a timetable for the collection of that information;

3.2.4 The Equality & Diversity Committee will be responsible for ensuring that the monitoring takes place in accordance with the specified timetable and that, once established, it continues to be conducted and kept under review.

### 3.3 The University's response to assessment and monitoring

3.3.1 An analysis of the information and findings in relation to students as a result of the assessment and monitoring referred to above will be considered by the Boards of Study and then by Academic Policy, Quality & Standards (APQS) as part of the annual academic monitoring process. Academic Board will consider a summary report. Similarly, the outcomes of the assessment and monitoring in relation to staff will be considered by the Senior Management Team (SMT). The reports, together with the recommendations of Academic Board and SMT will then be presented to the Equality & Diversity Committee.

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<sup>34</sup> This may include, for example, the following information in relation to different groups:

- Applications by subject area and type of educational institution
- Outcome of interview (where applicable)
- Rejections by the University and reasons
- Conditional/unconditional offers by the University College
- Cases where conditions achieved/not achieved
- Cases where offers rejected by students
- Successful/unsuccessful applications through clearing
- Progression rates
- Disciplinary rates
- Degree results

<sup>35</sup> This may include, for example, the following information in relation to different groups:-

- Job applications by area of University and grade
- Outcome of short listing and reasons
- Outcome of interview/further assessment and reasons
- Numbers of employees at different grades in different parts of the University
- Number of promotions to senior grades in different parts of the University
- Participation in key training and development activities
- Retention rates in different parts of the University
- Disciplinary and grievances in different parts of the University
- Dismissals in different parts of the University

- 3.3.2 The Equality & Diversity Committee is responsible for considering the findings of the reports and make recommendations for how the University will respond to the information provided in view of its obligations. These recommendations will form the basis of the University's action plan for the promotion of good relations and the elimination of all forms of discrimination.
- 3.3.3 The Equality & Diversity Committee will be responsible for ensuring that the University's action plan is implemented.
- 3.3.4 An annual overview report will then be considered by the Executive for submission to the Board of Governors.

#### **4 Publication**

- 4.1 A summary of this policy will be available to every student and member of staff of the University via the University's website at [www.ucreative.ac.uk](http://www.ucreative.ac.uk).
- 4.2 The University will publish the results of its assessments and monitoring under this policy at least annually.
- 4.3 Publication will include:
- information on how the assessment and monitoring was carried out;
  - a summary of the information received;
  - a summary of the main conclusions which the University draws from the information;
  - an assessment of the main policy options for promoting equality and tackling discrimination;
  - details of proposed action.
- 4.4. The material will be accessible on the University's website at [www.ucreative.ac.uk](http://www.ucreative.ac.uk). A summary of it will also be available in printed form and if requested, be made available in alternative formats, for example Braille disk, audio cassette and minority languages. These can be obtained by contacting the Assistant Director of HR.

## **APPENDIX 6: Policy & Procedures on Harassment & Bullying Policy**

### Part 1: Harassment & Bullying Policy

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#### **INTRODUCTION**

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The University recognises that all staff and students have a right to work in an environment in which the dignity of individuals is respected and which is free from harassment and bullying. It is committed to eliminating intimidation in any form and to promoting a safe, healthy and fair environment.

The policy relates to all bullying and harassment (including victimisation and discrimination, whether direct or indirect) on the ground of disability, gender, marital status, sexual orientation, age, nationality, colour, gender reassignment or transsexualism, race or ethnic origin.

Harassment and bullying breach the University's Equality & Diversity Policy<sup>36</sup> and are considered a serious offence, which may result in summary dismissal of staff or expulsion of students under the relevant disciplinary procedures.

The policy applies to all staff and students of the University, both on and off the premises, including those working or studying away from the University and can also include time spent travelling, away from home whilst on University business and/or activities, on training courses, conferences and social events with colleagues. It should also be noted that bullying or harassment of staff or students by visitors or contractors at the University will not be tolerated.

The University will treat seriously any form of intimidatory behaviour and seeks to develop a culture in which harassment is known to be unacceptable and where individuals are confident enough to bring complaints without fear of ridicule or reprisal.

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#### **1. DEFINITION OF HARASSMENT**

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##### **1.1. Harassment**

A legal definition of harassment (as applied to sexual orientation, religion or belief, race, ethnic and national origin): 'Unwanted verbal, non verbal or physical conduct that violates people's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment'. The essential characteristic of harassment is that the action(s) is unwanted by the recipient.

The following interpretations and examples of harassment provide some guidance in determining whether harassment has taken place. It should be noted however, that if a member of staff or a student complains that they are being harassed or bullied then they

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<sup>36</sup> This can be found on the staff portal and the website [www.ucreative.ac.uk](http://www.ucreative.ac.uk)

have a grievance which must be dealt with regardless of whether or not their complaint accords with the definitions contained in this policy.

Bullying and harassment are not necessarily conducted face-to-face but may be by written communication, electronic (e) mail, phone isolation or ostracism and may also take place over a long or short period of time. Extra care should be taken when sending or forwarding messages to consider the impact of the message or any attachment on the recipients. If as a sender of an e-mail, you are in any doubt, either amend the message or don't send it at all. The display or circulation of sexually suggestive, pornographic, racist or offensive pictures or other material or transmitting any such messages or images via electronic mail is prohibited.

### General Harassment

Harassment can take many forms and may be directed in particular against women and ethnic minorities or towards people because of their age, sexual orientation, physical or mental disability or some other characteristic. It may involve action, behaviour, comment or physical contact which is found objectionable or which causes offence; it can result in the recipient feeling threatened, humiliated or patronised and it can create an intimidating environment. It may also be harassment where conduct of this nature, whilst not explicitly about the individual's sex, race or disability, singles them out for this reason. For staff this may include unfair allocation of work or pressure about the speed and/or quality of work in a way that differs from the treatment of other comparable employees. The following are examples of harassment and the list is by no means exhaustive or comprehensive. If you feel you are being harassed or bullied and your experiences do not fit these descriptions, please contact one of the sources of support detailed later in this policy for further help and advice.

### Sexual Harassment

Sexual harassment is unwelcome physical, verbal or non-verbal conduct of a sexual nature. It includes demeaning comments about a person's appearance; indecent remarks; questions about a person's sex life; sexual demands by a member of the same sex or opposite sex; and unwelcome physical contact and other conduct of a sexual nature that violates the person's dignity or creates an intimidating, hostile, degrading or humiliating or offensive working environment for them.

The essential characteristic of sexual harassment is that it is unwanted by the recipient. It is for individuals to decide what behaviour is acceptable to them and what is offensive or unwelcome. Individuals will have different perceptions about this.<sup>37</sup>

Many lesbians, gays and bisexuals find it hard to complain about such behaviour, as they may not wish to disclose their sexuality to the University. Fear of prejudice renders them particularly vulnerable to unwitting harassment. People can often make anti-gay remarks on the mistaken assumption that everyone present is heterosexual. The Employment Equality (Sexual Orientation) legislation makes it clear that lack of intention to offend is no defence.

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<sup>37</sup> Equal Opportunities Commission 'What is Sexual Harassment' [www.eoc.org.uk](http://www.eoc.org.uk)

Gender dysphoria, transsexuals and those in the process of gender transition can also experience difficulties, for example in the provision of use of facilities and this is now unlawful. (Definitions of some of the terms used can be found in Appendix e).

### Racial or Sectarian Harassment

Racial or sectarian harassment may take the form of actual or threatened physical abuse or it may involve offensive jokes, verbal abuse, language, graffiti or literature of a racist or sectarian nature or offensive remarks about a person's skin colour, dress, physical characteristics or religion. It may also include repeated exclusion of a person from an ethnic or religious minority from conversations and be inflicted through the use of patronising remarks.

### Ageism

Remarks about a person's ability to learn, exclusion from social activities and derogatory comments are also forms of harassment. Age legislation makes it unlawful to subject you to harassment or victimise you should you make a complaint of discrimination on the grounds of age.

### Disability

Comments made about an individual's disability, whether seen or unseen, may have impact of undermining their confidence and self-esteem. Harassment includes uninvited touching and invasion of personal space, unwelcome discussion about the impact a disability has on an individual's home life, offensive jokes, unnecessary assistance with duties or prejudging of capabilities.

The University is required by law to make reasonable adjustments to accommodate a disabled person which may have an impact on that person's colleagues. The University will make every attempt to ensure that such changes are accepted and agreed by all concerned, however, a sustained refusal to accept this requirement may constitute harassment and be unlawful. Disability equality legislation requires that you take account of people's disabilities (even if this means treating them more favourably). Further details on the University's approach to disability can be found in the Disability Equality Scheme and Action Plan 2006-09.

## **1.2. Bullying**

Bullying is the intimidation or belittling of someone through the misuse of power or position, which leaves the recipient feeling hurt, upset, vulnerable or helpless. It is often inextricably linked to the areas of harassment described above.

The following are examples of bullying. However this list is not exhaustive:

- Unjustified criticism of an individual's personal or professional performance, shouting at an individual, criticising an individual in front of others
- Spreading malicious rumours or making malicious allegations

- Intimidation or ridicule of individuals with disabilities and/or learning difficulties
- Unreasonably ignoring or excluding an individual from the team/or group.

Anyone can be the victim of bullying, which may occur at any point in the University hierarchy. For example, subordinates can bully their bosses, as well as colleagues and peers and students can bully their tutors.

Legitimate, constructive and fair criticism of a member of staff's or student's performance, attendance or behaviour is not bullying.

### 1.3. Victimisation

Harassment also covers victimisation, which is defined in law as:

- When a person is treated less favourably than another because that person has, for example, asserted rights under any of the discrimination laws or has helped another person to assert such rights or given information to the relevant statutory body, or because it is suspected that the person might do any of these things.

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## 2. RESPONSIBILITIES OF STAFF AND STUDENTS

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### Staff and Students

All staff and students can contribute to creating a climate in which bullying and harassment are unacceptable by ensuring that their behaviour does not cause offence, and by refusing to co-operate with or tolerate offensive behaviour in others.

Every member of staff and all students have a personal responsibility **NOT** to harass or bully others and should be aware that these acts are likely to result in the University following the relevant Disciplinary Procedures<sup>38</sup>. An employee or student who becomes aware of harassment or bullying occurring should bring the matter to the attention of an appropriate member of staff.

### Managers

Every manager has an obligation to prevent harassment and bullying and to take immediate action once it has been identified, whether or not a complaint has been made. Allegations of harassment or bullying received either informally or formally through the relevant Grievance or Complaints Procedures must be taken seriously and dealt with promptly and sensitively. Failure of a manager to act appropriately will be considered a failure to fulfil the responsibilities of the position and may be dealt with under the University's Disciplinary Procedure. All such persons will receive adequate training.

It is important that managers recognise that sexual harassment is any sexual advance unwanted by the recipient or behaviour which causes offence to the recipient. Managers

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<sup>38</sup> Staff Disciplinary Procedure, Student Regulations (Disciplinary Procedures)

must therefore take care to ensure that they do not pre-judge situations based on their own sexual or racial attitudes and perceptions.

It may not always be appropriate for a line manager to be involved with specific complaints. For example if the complainant is male and wishes to speak to a male, but the manager is female, or if the complaint relates to the conduct of the line manager. Similarly it may not be appropriate for a student to bring a complaint to their Course Leader. Alternative arrangements should therefore be made.

Part II: Procedure for dealing with complaints of harassment or bullying

### **3. DEALING WITH HARASSMENT & BULLYING**

Depending on the nature of the harassment or bullying and the wish of the recipient, complaints may be taken through informal or formal procedures. The informal may be a precursor to the formal procedure being invoked if there is no early resolution of the difficulties. In either case complainants are encouraged to pursue their complaints as early as possible. Complaints are more difficult to resolve where time has elapsed and relationships have deteriorated.

Whilst it is up to individuals to determine if they feel they are being harassed or bullied, any complaints must be able to hold up against a test of reasonableness. The lack of intention to offend is no defence. If the conduct has the purpose or effect of violating a person's dignity, or creating an intimidating or offensive environment, and it is reasonable for the complainant to take offence, then it is harassment. Ignorance is no excuse. The test of reasonableness adopted by the University originates in the Prevention of Harassment Act 1997 and in the Employment Equality (Sexual Orientation and Religion or Belief) Regulations 2003.

### **4. STAFF – INFORMAL STAGE**

#### **4.1. Informal procedure**

The informal procedure enables the complainant to raise the problem immediately with the person accused of the harassment or bullying. An employee who feels that he/she is being subjected to harassment or bullying is encouraged to resolve the matter informally in the first instance. In some cases it may be possible and sufficient for him/her to explain clearly to the person(s) engaged in the unwanted activities that the behaviour is unwelcome, that it offends or makes him/her uncomfortable. This process could also include meetings with Human Resources, members of the management or Unions in which both the complainant and the alleged harasser could be present. The purpose of such meetings is to facilitate a resolution to the complaints and for the behaviour to stop. The complainant may be accompanied by a Trade Union representative or colleague at these meetings and the alleged harasser will also have a right to state their version of events and to be accompanied by a representative or colleague:

- If at the initial informal discussion stage the circumstances are too difficult or embarrassing for the complainant to approach the alleged harasser alone, he/she may wish to be accompanied by a friend or colleague;
- the complainant may wish to write a letter to the alleged harasser
- the complainant should keep a record of any incidents, detailing when, where, who and what occurred, and witnesses (if any);
- in some cases victims of harassment or bullying may not be sufficiently confident to tell the alleged harasser that his or her behaviour is unacceptable. The University emphasises therefore that staff are not required to approach the alleged harasser in an attempt to resolve the problem informally, and are entitled to report the matter immediately if they so wish.
- The complainant must be assured that he/she will not be discriminated against or victimised for raising the complaint. All complaints will be dealt with in a timely, confidential, impartial and sensitive manner. The allegations will be fully investigated, with the individual bringing the complaint, the alleged harasser and any potential witnesses being separately interviewed. The alleged harasser will be given full details of the complaint in writing before the investigatory interview. Confidentiality will be observed throughout and the need for any disclosure of the details of the case will be discussed and agreed beforehand with the complainant (except, in certain cases, where disclosure has been made to a member of senior management or where the University views the matter to be of such a serious nature it must progress the investigation with or without the complainants consent). The complainant must however recognise that the alleged harasser has a right to defend themselves in investigations and disciplinary proceedings with involves knowing the case against them and in some cases having a right to question their accuser.

#### 4.2. Harassment Contacts

There is a list of trained staff who are Harassment Contacts to whom a recipient of harassment can go to speak in complete confidence. The Harassment Contact Scheme is coordinated by the Assistant Director of HR. Harassment Contacts will be available to listen, to hear and to understand what has happened and to offer help and support whether or not an individual wishes to make a formal complaint. Staff/students are encouraged to discuss the matter as early as possible with a Harassment Contact. Speaking to a Contact does not invoke formal action but will assist by providing support and in considering available options (see Appendix a flow chart and Appendix b Volunteer Harassment Contact – Role).

Harassment Contacts are trained volunteers. If they have already been approached by the other party then they may need to refer the person to another Harassment Contact. If they are uncomfortable with supporting the alleged

harasser then they may also refer them to another Contact. Harassment contacts are listed in the Staff Portal (Equality pages) and on the Student Union website. They can also be found on toilet doors and notice-boards in all campuses. Harassment contacts use a form to record (anonymously) the numbers of people who approach them and this is used for monitoring purposes (see appendix c). The harassment contacts are listed in appendix d.

#### 4.3. Other Sources of Support and Advice

A recipient of harassment may also talk to a Student Union Representative or friend (in the case of students), or in the case of staff to a Trades Union Representative, colleague or friend. Staff can also talk to their Executive Dean, Head of Department or to a member of Human Resources. It should be noted that due to their management responsibility within the University these people may be unable to keep the details of what has been discussed confidential. In such circumstances the recipient of the harassment will be informed of the intention to break confidentiality and why they are doing so.

The University also offers to all employees a confidential counselling service over the telephone (this is an external service provided as part of the insurance for the Institution). Where appropriate there may be onward referral to relevant voluntary and/or professional services. The calls to this number are **not** recorded. However the volume of calls is recorded for equality monitoring purposes. Should a member of staff wish to use this service, the telephone number is 0117 934 2121 and reference TT82168679 should be quoted.

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## 5. STAFF – FORMAL COMPLAINTS

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- 5.1. If the situation cannot be resolved informally or if the informal process is not appropriate then the complainant has the right to pursue his or her complaint formally using the procedure detailed below.
- 5.2. At any time whether or not the informal steps have been taken, an individual who feels that they have been harassed or bullied or treated in a way that breaches this policy, can report it to their Executive Dean/Head of Department or a member of Human Resources. The complaint should always be made in writing stating that it is a formal matter.
- 5.3. Upon receipt of the complaint the Executive Dean/Head of Department should discuss the matter with a senior member of Human Resources. Following this discussion a manager not connected with the Department or campus involved will be commissioned by Human Resources to undertake a full investigation to ascertain the facts (called the Investigating Manager). Guidance will be available from Human Resources to assist the Manager with the investigation. The investigation will normally be completed within 10 working days of receiving the written complaint unless circumstances do not allow e.g. as a result of sickness or annual leave of any of the parties. In circumstances where the investigating manager is not able to complete the investigation within the

timescale, the complainant will be informed as soon as is reasonably practicable of the delay and of the revised date for completion.

- 5.4. Best practice in relation to confidentiality will be maintained during the investigation; and both the complainant and the alleged harasser will have the opportunity to have their say. Normally the investigating manager will interview the complainant first, then the alleged harasser. Interviews will be fully documented.
- 5.5. The investigating manager must ensure that the rights of the person accused of harassment or bullying to a fair investigation are protected, as well as those of the complainant. This requires that any documentation submitted by the complainant, as part of their case, will be given to the alleged harasser to enable them to respond fully to all the allegations made against them. The investigator will seek explicit consent from the complainant for all materials to be revealed to the alleged harasser. If consent is not given for some of the evidence to be passed to the alleged harasser and these are material to the case the complaint may need to be modified to be fair to protect the rights of both parties. The investigator will also interview and take statements from any appropriate witnesses to the alleged harassment/bullying. Any information that relates to third parties, e.g. witnesses, will be anonymous (at this stage) unless the third party gives their consent for their identity to be passed to the alleged harasser.
- 5.6. Where the allegation is admitted, or the investigating manager believes there is a prima facie case established as a result of the investigation, the University's Disciplinary Procedure<sup>39</sup> will be invoked against the alleged harasser. Any form of harassment and bullying towards colleagues, students or the public may potentially be classified as gross misconduct. Such actions could result in summary dismissal. It is also recognised that whilst all acts of harassment or bullying are serious, any action taken will depend of the severity of the alleged harassment.
- 5.7. Employees must be re-assured that:
  - their complaint will always be taken seriously;
  - action will always be taken against a person guilty of harassment;
  - an individual will not be victimised as a result of making a complaint either informally or formally.
- 5.8. In cases where a claim of gross misconduct is brought and there is reason to separate the parties, a short period of investigatory suspension of the alleged bully/harasser may be necessary while the case is being investigated. Such suspension will be dealt with in accordance with the Disciplinary Procedure and should not be seen as a punitive sanction.

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<sup>39</sup> The Disciplinary Procedure can be found on the staff portal and the website [www.ucreative.ac.uk](http://www.ucreative.ac.uk)

- 5.9. Where a complaint is upheld it may be necessary to relocate or transfer one party. It will not automatically be the complainant who is expected to move but they will be offered the choice where practicable. Where the perpetrator is transferred, steps will be taken to ensure that no breach of contract occurs. Transfers on disadvantageous terms may be offered to the perpetrator where allegations are proved, as an alternative to dismissal.
- 5.10. If a complaint is not upheld, a voluntary transfer of one of the employees may be considered where practicable.
- 5.11. In all cases appropriate steps will be taken to check bullying/harassment has stopped and there has been no victimisation or retaliation.
- 5.12. There may be cases where somebody makes unfounded allegations of bullying and/or harassment for malicious reasons. These cases will be investigated and the complainant will be dealt with under the disciplinary procedure.
- 5.13. If no prima facie case is made for establishing the allegation or the allegation is unproven a confidential record of the complaint and the response will be made by the investigating Manager and a copy circulated to the accused and the complainant.
- 5.14. In the event that the complainant has reason to believe that their complaint has not been properly investigated they may initiate the relevant stage of the Grievance Procedure.

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## 6. STUDENTS – INFORMAL

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### 6.1. Informal Procedure

A student who feels that he/she is being subjected to harassment or bullying is encouraged to resolve the matter informally in the first instance. In some cases it may be possible and sufficient for him/her to explain clearly to the person(s) engaged in the unwanted activities that the behaviour is unwelcome, that it offends or makes him/her uncomfortable:

If at the initial informal discussion stage the circumstances are too difficult or embarrassing to approach the alleged harasser alone, the complainant may wish to be accompanied by a friend. It may also be helpful to involve the student counselling service;

- the complainant may wish to write a letter to the alleged harasser;
- the complainant should keep a record of any incidents, detailing when, where, what occurred and witnesses (if any);
- in some cases victims of harassment or bullying may not be sufficiently confident to tell the alleged harasser that his or her behaviour is unacceptable. The University emphasises therefore that students **are not**

**required** to approach the alleged harasser in an attempt to resolve the problem informally.

Where the steps outlined above are unsuccessful or inappropriate, the student should raise the matter in confidence with his/her Course Leader or alternatively, the matter may be raised with the Dean.

If the complaint relates to the conduct of the student's Course Leader, the student may choose to discuss the matter with the Dean.

The Course Leader or Dean will discuss the matter with the student and agree a course of action. The student may be accompanied by a friend or representative of the Students' Union at these meetings. The alleged harasser will also have the right to state their version of events to the Course Leader or Dean and to also be accompanied by a friend or representative of the Students' Union.

The student must be assured that he/she will not be discriminated against or victimised for raising the complaint. Confidentiality will be observed throughout and the need for any disclosure of the details of the case will be discussed and agreed (although in exceptional cases it may be necessary for the Dean to act on information received from the complainant even if consent has not been obtained for disclosure).

At any stage of the process the student, the member of staff dealing with the complaint or the accused may feel that they need the help of an independent person before deciding on the best course of action. The student counselling service may be able to assist and provide support for the parties concerned.

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## **7. STUDENTS - FORMAL**

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- 7.1. If the situation cannot be resolved informally or if the informal process is not appropriate then the complainant has the right to pursue his or her complaint formally using the appropriate stages of the Student Complaints Policy.
- 7.2. Such formal complaints will be investigated by the appropriate member of staff. If the complaint is against a member of staff then the investigating member of staff will deal with the matter as set out above (Staff – Formal). If the complaint is against a student, it will be dealt with on the basis of the principles set out in the University Rules for Student Conduct. If proven, any serious acts of harassment or bullying could result in exclusion, suspension or expulsion, although any action taken will depend on the gravity of the alleged harassment.

Students must be reassured that:

- their complaint will always be taken seriously;
- action will always be taken against a person guilty of harassment;

- an individual will not be victimised as a result of making a complaint either informally or formally through the Student Complaints Policy.

7.3. In cases where a claim of harassment or bullying is brought and there is reason to separate the parties, a short period of exclusion or suspension of the alleged bully/harasser may be necessary while the case is being investigated. Such action will be dealt with in accordance with the Disciplinary Procedure of the University's Rules for Student Conduct.

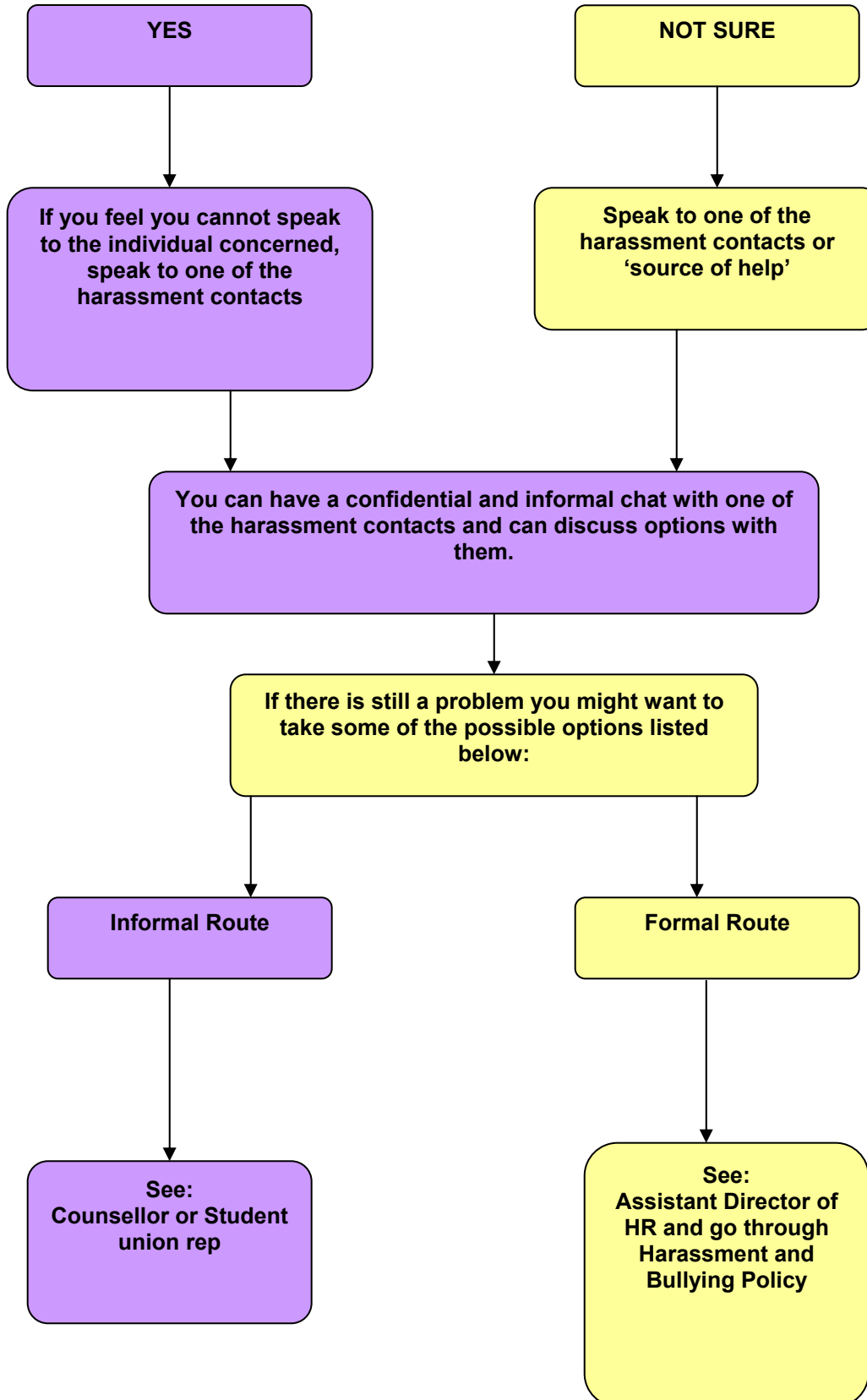
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## **8. REVISION OR TERMINATION OF THIS POLICY/PROCEDURE**

The operation of this policy and procedure will be periodically reviewed by the Equality & Diversity Committee. Any amendment to it, after consultation with the recognised Trade Unions, will be advised to staff and students who will also be informed of the date when the amendment will come into effect.

Appendix a *Flow Chart*

**Are you suffering from harassment or bullying?**



This is only a guide. Please refer to the University's Policy.

## **APPENDIX 7: Racial Equality Statement**

### The University's Commitment

The University for the Creative Arts is committed to promoting race equality and tackling race discrimination. This race equality policy reflects that commitment and through its implementation the University aims to ensure that the promotion of equality of opportunity, good race relations, and the elimination of race discrimination becomes embedded into all its activities, in order to ensure good institutional practice for all.

The University is one of Europe's largest specialist institutions offering education in art, design, media and communications. The University has over 6,000 students on further and higher education programmes at five campuses in Canterbury, Epsom, Farnham, Maidstone and Rochester. The key aims of the University's strategic plan include a firm commitment to the widening participation agenda and to the equality of treatment both as a provider of higher and further education to students and as an employer. Overall around 15% of the student body are drawn from black and ethnic minority groups. 5.3% of staff are from black and ethnic minority groups.

This policy sets out the way the University will make the promotion of race equality central to all areas of its work including policy making, service delivery and employment practice. It complements other related policies and procedures (e.g. the University's Equality and Diversity Policy, Recruitment and Selection Procedures, Harassment and Bullying Policy, and staff and student Complaints/Grievance and Disciplinary Procedures), designed to help develop and support the adoption of race equality as standard practice within the University and to ensure that any incidents of racism are dealt with appropriately.

The University is committed to engendering an inclusive community. It thus both celebrates and values the diversity brought to its workforce by individuals, and believes that it benefits from engaging staff from a variety of racial, ethnic and national backgrounds, reflecting the needs of a diverse student population within a multi-cultural society.

The University will function not only to eliminate any unlawful discrimination, but also to create a working and learning environment based on positive relations between members of different racial groups. To this end, the University undertakes to promote good race relations and equality of opportunity through the provision of relevant training and support for staff, through consultation with staff and students from minority ethnic groups about their experience of our environment, and by reflecting the diversity of the community in any material, for students, staff and external audiences. The aim is to create a positive inclusive ethos where issues of racism, stereotyping and discrimination can be discussed openly with a shared commitment to challenging and preventing racism and discrimination, to respecting diversity and difference, and to encouraging good relations between people of different groups.

The University is working towards the elimination of all forms of racism whether overt or covert, in order for institutional practice to ensure that individuals and communities have

equal access to learning and teaching programmes, recreation, leisure, and other facilities.

The University has an Equality and Diversity Advisor, who provides advice and support on a day-to-day basis on the operation and implementation of the Race Equality Policy and Action Plan.

The University's Racial Equality Policy can be found on the University website at [www.ucreative.ac.uk](http://www.ucreative.ac.uk).

## **APPENDIX 8: Student Alcohol and Drug Policy**

*This policy will be revised during 2009/10*

The University is committed to active promotion of healthy lifestyles for staff and students and combating alcohol or substance abuse where it exists. It is therefore important to have in place a vigorous policy and procedure that supports us in dealing with alcohol and drug related issues as they occur.

The issues are likely to vary between the student population and the staff population but we have a duty of care to both. This arises from a range of legislative initiatives, common law, the interests of good practice and maintaining a sound reputation as a centre of learning and employment.

The effective prevention of, and response to, alcohol and drug misuse has obvious benefits to the University as employer and educational institution. It is important that staff with direct responsibility for students are fully aware of their duties in this area and similarly those with line management responsibilities need to ensure that they monitor and manage employees in line with this and other linked policies and practices

To this end the attached procedures are designed to inform, support and manage alcohol and drug related issues.

### **1. Introduction**

1.1 The University for the Creative Arts strives to assist students in attaining their individual goals for personal and academic achievement. Academic and personal development are affected by the environment and to that end the University seeks to develop a community where students can study, learn and grow successfully. The use of alcohol and drugs can be disruptive to learning and can threaten not only an individual's well being but also their potential for positively contributing to the University and wider community. It is important for all members of the University to take responsibility for preventing alcohol and drug use from negatively affecting the learning environment and the academic, physical and emotional well being of students and staff.

1.2 In recognition of the problems caused by the misuse of alcohol and drugs, the University has prepared the following policy. This policy deals with education, intervention and treatment activities as well as disciplinary sanctions and is intended to be holistic in its approach to the complex issues related to alcohol and drug misuse.

### **2. Aims of the policy**

2.1 The main aims of this policy are to:

- prevent alcohol and drug misuse;
- identify help and support for those students with a alcohol or drug related problem;

- safeguard students, employees and others from the hazards of alcohol and drug misuse

2.2 Accordingly, this policy involves two approaches:

- Providing information about the services available to educate students about alcohol and drugs and to support those with substance abuse problems.
- Disciplinary rules, enforced through student disciplinary procedures, to address behaviours resulting from alcohol or drug use, which are illegal, disruptive or dangerous.

### **3. Education, intervention and referral for treatment**

#### **3.1 Education**

3.1.1 Student Services provides an ongoing educational programme covering a variety of health related topics. Alcohol and drug awareness programmes are presented regularly and are intended to improve student understanding of the effects of alcohol and drug use and misuse. General programmes and individual support are also offered in areas such as stress management, coping with change and bereavement in order to assist students in refining their life skills and in making positive life choices.

#### **3.2 Intervention and Referral**

3.2.1 It is recognised that the misuse of alcohol or drugs can have an impact on a student's academic work, mental health or physical well being. In some cases the impact of alcohol or drug misuse on a student can cause concern to themselves or to other students and staff. In these situations, the University makes available support and guidance.

3.2.2 Students who have concerns about their own use of alcohol or drugs or that of a friend may seek support from a Student Counsellor, Student Welfare Advisor or Chaplain or speak to a doctor at one of the surgeries providing services to the University. These staff can all offer advice and support as well as identify appropriate resources in the local community. If required, referrals for treatment for drug dependency can be made via the doctors.

3.2.3 Staff who have concerns about a student's misuse of alcohol or drugs may seek advice from the Student Services Manager. Where other staff may share the concern, the Student Services Manager may call a case conference as outlined in Student In Crisis-Guidance and Procedures for University Staff. Wherever possible, the student concerned will be invited to attend and contribute to the discussion at the case conference. The purpose of the case conference is to facilitate an honest and frank discussion of the concerns and enable both the student and staff to have a better understanding of the situation. Where appropriate, the Student Services Manager will assist the student in making contact with internal or external sources of help or information.

#### **4. Disruptive or dangerous behaviour**

- 4.1 The use of alcohol and drugs affect an individual's perceptions and behaviours. It is expected that students will consider these effects before using alcohol and/or drugs. The University requires all students to act in accordance with the published University Rules for Student Conduct; the use of alcohol and/or drugs will not mitigate in any way this requirement.
- 4.2 The University Rules for Student Conduct prohibits a student from behaving in any way that is disruptive to the learning environment. Students are expected to avoid conduct, whether on or off University premises, which is likely to bring the University into disrepute. University rules also require students to abide by the Health and Safety regulations of the University and of any workshops, studios etc which they may use. (Student Regulation Handbook, Section 6.) Note is particularly drawn to the importance of safe operating practices for heavy or dangerous machinery which is used in a number of locations throughout the University.
- 4.3 If a student breaches the University Rules for Student Conduct as the result of the misuse of alcohol and/or drugs they may be subject to Disciplinary Procedures - Non Academic Misconduct (Student Regulation Handbook 6.4.1).
- 4.4 Where a student attends the University under the influence of alcohol or drugs and where such attendance is deemed by staff to be disruptive or in breach of Health and Safety Regulations the student will be requested to leave. The staff in asking a student to leave will make all reasonable efforts to ensure that the student can leave safely to an appropriate place such as their home or accommodation. In cases where staff are concerned about a student's ability to reach an appropriate place safely, Student Services staff will be contacted. Student Services will endeavour to ascertain from the student an appropriate place for them to go and may contact a taxi company to provide transportation. In such cases, the University will charge the student for the costs incurred. Where a student is under the age of 18, Student Services staff may contact a parent or guardian.

#### **5. Illicit or illegal substances**

- 5.1 In accordance with the law, the University prohibits the possession, taking or supply of drugs or other illegal substances in the halls of residence or any other University premises. Any breach of this policy may be notified to the police and result in arrest, prosecution, exclusion from halls or expulsion from the University.

## **5.2 Rights of Inspection**

- 5.2.1 Contracts covering University accommodation signed prior to occupancy make clear that authorised personnel have the right to access any part of accommodation at reasonable times to fulfil their duties and responsibilities. Likewise, authorised staff may access all academic areas to ensure facilities are being used for the purpose for which they had been allocated.

## **5.3 Reporting of Illicit or Illegal Substances**

- 5.3.1 Where a member of staff becomes aware of or discovers a suspicious item or substance with reasonable cause to believe that it may contain an illicit or illegal substance, or discovers an item (or items) which lead to suspicions that illegal substances may be in use on the premises, then he/she shall take the following steps:

- Contact the person who holds responsibility for the area or activity; if in doubt they should refer to the College Office.

It is for the department (&/or campus) concerned to investigate the matter; heads may nominate an individual who holds the appropriate level of authority to investigate. Where either ownership of the area is unknown or it is not possible to arrange for the owner to investigate immediately, then the individual discovering the substance should assume the role of the investigator until such time as the department can take over. Where the nature of the substance is ascertained immediately in some cases it will be possible to resolve immediately – where this is the case, a report should be forwarded to the relevant department and then to the Deputy Vice-Chancellor indicating the course of action taken. The Deputy Vice-Chancellor may choose to resume any investigation, particularly if there is evidence of repeat offences or they are at all concerned with how the situation was dealt with in the first instance.

## **5.4 Internal Investigation and Corroboration of Substances**

- 5.4 The investigating individual will ask the student regarding the nature of the substance; it is for the individual investigator to decide (using as sources of guidance the regulations for non-academic misconduct and support in interpreting those regulations from the Deputy Vice-Chancellor) how they wish to proceed.

A clear record of any actions and the decisions behind those actions shall be kept by the person investigating the substance/incident. This record should be passed to the Deputy Vice-Chancellor as a report of action to date.

- 5.4.1 Where the incident has occurred in a hall of residence the policy allows for a disciplinary process separate from the non-academic misconduct that is linked to the licence agreement for the halls of residence. Illicit/Illegal substances could result in fines or, in more serious cases, termination of the licence for halls of residence. That decision will be made by the Director of Estate Services or their nominee.

- 5.4.2 The Deputy Vice-Chancellor shall review the report and if reasonably satisfied that the substance is an illicit/illegal substance, would normally report the matter to the police. Further, the Deputy Vice-Chancellor shall consider and determine whether the student(s) should be subject to Disciplinary Action under the Student Regulations 6.4. Where illicit substances (or legal substances to excess) are confirmed, the student will always receive information regarding controlled substances or alcohol abuse as appropriate. This should be requested of student services by the office of the Deputy Vice-Chancellor
- 5.4.3 Should the Deputy Vice-Chancellor be reasonably satisfied that the substance is not an illicit/illegal substance no further action shall be taken and this outcome shall be notified to the student in writing and, should any items have been confiscated, they will either be destroyed with the student's consent or returned.
- 5.4.4 When using this policy and/or considering formal action against a student (including contacting external agencies such as the Police), these guidelines shall be interpreted against a background of the contemporary national policy with regard to drug use, specific sources of guidance include those guidelines issued by the Association of Chief Police Officers. The ACPO Cannabis guidelines are not issued to Educational Establishments but to serving police officers; however they offer us an insight into current practice within law enforcement. That notwithstanding, the importance of recognising the University's duty of care to all its students, especially those 17 years of age or under shall be at the forefront of any decision made. For guidance, the general approach for the University is to consider the following areas:
- Obligation to safety and order around the incident; this would include who was affected, their ages (17 and under for example).
  - The category & quantity of drug (A,B,C) and, (where category C), small or large amounts.
  - Place in which the illicit substances are being consumed, (public or private).
  - Previous track record related to illicit substances or disruptive behaviour.

The ACPO guidance should not be used as a reason to avoid tackling issues related to illicit substances; the University will always respond to any incident where the use of illegal drugs is a factor or the sole factor. The guidance should be used to help those dealing with the incident decide upon the balance between education and the relative levels of disciplinary action (as part of non-academic misconduct regulations 6.4.4.3 or for more serious offences 6.4.6). In the case of more serious offences, for example where the category is above class C, it is noted that Police involvement is required by this policy.

## **6. Student complaints**

- 6.1 Sections 4 and Section 5 above make clear that all students are expected to act in accordance with the University Rules for Student Conduct and to refrain from possessing, taking or supplying drugs whilst on University premises or participating in University activities. As stated in these sections, University staff will take action should they witness any breach of these regulations. There may be, however, instances where a violation(s) of these regulations is witnessed only by another student(s). In these circumstances, the University would encourage students to come forward and make these incidents known through the *Student Complaints Procedures*.
- 6.2 The Student Complaints Procedures are detailed in full in the Student Regulation Handbook, Appendix 3. There is a facility within the procedure for students to make a complaint in confidence, however anonymous letters cannot be acted upon. The University recognises that it may not be easy for a student to come forward and report alcohol or drug related incidents and will make every effort to support students who choose this course of action. Registrars and Students' Union officers are available to offer advice to students considering making a complaint. Students may also seek support from a Counsellor or Student Welfare Advisor within Student Services.

*This policy will be revised during 2009/10.*

## **APPENDIX 9: Data Protection Policy**

### **1. The Data Protection Act 1998**

- 1.1 The Data Protection Act of 1998 (DPA) gives rights to individuals to access information (data) about them that is collected and processed. It includes all Personal Data that is held automatically including word processed documents, databases and e-mails and data held in manual records where these can be accessed by reference to a person. The University has to comply with the requirements of the Act in respect of the information it holds about its students and staff. It is the responsibility of all members of the University to ensure compliance with the Act.
- 1.2 The Act requires the University to notify the Information Commissioner of the types of Personal Data that it holds, the categories of individuals for which it holds this information, to whom it may be disclosed and the purposes for which Personal Data is processed. It also requires the University to confirm if it transfers Personal Data worldwide.
- 1.3 The Policy and Procedures set out how the University will comply with the requirements of the DPA. They will not be incorporated into contracts of employment. Additional guidelines will be available for staff.

### **2 Data Processing**

- 2.1 Data processing within this policy means the obtaining, recording or holding of information or data. It also includes the carrying out of any operation using that information or data such as altering or deleting it, consulting it or disclosing it.
- 2.2 The Designated Data Controller will be responsible for notifying the Information Commissioner of the details that need to be registered and for ensuring that the notification is kept up-to-date and reviewed annually. Two or more Data Control Officers will be responsible for supervising data control and for assisting those processing data to comply with this policy. The names of the Data Control Officer(s) are recorded in Appendix One.
- 2.3 It is the responsibility of any member of staff who has access to and processes personal data (a data processor) to ensure that he/she complies with this policy, is familiar with the University's notification to the Information Commissioner and processes data in compliance with that notification. Staff can consult the notification on the Information Commissioner's Web site (<http://www.dataprotection.gov.uk/dprhome.htm>). Further information and guidance on any aspect of this policy or details of the notification may be obtained from the Data Control Officer(s).
- 2.4 Employees should not use University facilities to process personal data for purposes unconnected with their employment or for domestic or personal purposes. Such processing is not covered by the University notification.

### **3 Data Collection**

- 3.1 Data relating to the University's employees, organisation structure, students and other individuals with a relationship to the University (e.g. suppliers, landlords, enquirers, alumni) is collected and processed to specifically provide:
- 3.1.1 information, whenever required, for planning and managing the University's activities including;
  - 3.1.2 information, whenever required, for planning, delivering and monitoring the University's portfolio of courses;
  - 3.1.3 information for the purposes of research and private study and links with business and the community;
  - 3.1.4. individual information for managing the employment, deployment and welfare of individual employees;
  - 3.1.5 individual information for managing the attendance, performance and welfare of individual students;
  - 3.1.6 information, whenever required, for responding to legitimate external enquiries about the University's students and/or employees;
  - 3.1.7 assistance with human resources and salary administration procedures, e.g. payroll; and with procedures relating to the collection of student fees.
- 3.2 The Data Control Officer(s) shall review annually the nature of information being collated or held to ensure there is a sound business reason for doing so.
- 3.3 Wherever possible, employees/students or potential employees/students will be advised of what personal information/data is obtained or retained, its source, and the purposes for which the data may be used or disclosed. Consent will be sought mainly by way of general consent at the point at which the information is collected. In the case of sensitive personal data<sup>40</sup> the individual will be asked for his/her explicit consent to that data being processed.
- 3.4 Initial personal data is ordinarily obtained from job or course application forms submitted to the University and thereafter principally from employees and students themselves. Job and course application forms will clearly state that the information collected will be used only for internal purposes as outlined at 3.1 above.

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<sup>40</sup> Sensitive personal data for this purpose includes information relating to an individual's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health or condition, sexual orientation or the commission or alleged commission of offences. In the latter case this may include any proceedings for any offence committed or alleged to have been committed by the individual, the disposal of such proceedings or the sentence of any court.

- 3.5 Employees/students should not be induced to provide information or be led to believe that a failure to supply information requested by the University might disadvantage them where this cannot be justified.

#### **4 Disclosure of Data**

- 4.1 To ensure compliance with the DPA and in the interests of privacy, employee/student confidence and good employee/student relations, the disclosure and usage of information held by the University is governed by the following conditions:
- 4.1.1 It must only be used for one or more of the purposes specified in the notification to the Information Commissioner and, in the case of documents generated by the University, (e.g. application forms) can only be used in accordance with the statement within that document clearly outlining its intended use.
  - 4.1.2 Provided that the identification of individual employees/students is not disclosed, aggregate or statistical information may be used to respond to any legitimate internal or external requests for data, e.g. HEFCE returns, workplace surveys, market research, academic research (see also paragraph 12)
  - 4.1.3 Personal data must not be disclosed, either within or outside the University, to any recipient who is not authorised in the terms of the DPA, or for any purpose which is not authorised by the University's notification.
  - 4.1.4 Data processors should seek guidance from the Data Control Officer(s) or if any doubt surrounds a request for data, whether internal or external.  
  
NB. External requests for information should be made in writing and data processors should be satisfied about the legitimacy of requests for information and seek valid documentary evidence if appropriate.
- 4.2 Authorised requests for data by external recipients of data, which **do not** require the consent of the data subject are:
- 4.2.1 requests made for the purposes of law enforcement (i.e. for the prevention or detection of crime, the assessment or collection of any tax or duty or the assessment or collection of any liability via the Child Support Agency). Disclosure is only allowed where failure to make disclosure would be likely to prejudice one of those purposes. In all cases written evidence must be obtained from the Police, Inland Revenue, Customs and Excise and the Child Support Agency (as appropriate) as to the purpose of the request.
  - 4.2.2 requests in relation to any other compulsory legal processes; again, appropriate written evidence must be obtained beforehand

- 4.1.3 requests, if urgently required, for the prevention of injury and damage to health. If needed to protect the vital interests of the employee/student, disclosure may be made without prior consent. Otherwise, the written consent of the employee/student must be obtained beforehand.
  - 4.1.4 requests made by pension administrators, in order to administer the University's participation in various external pension schemes.
  - 4.3 Authorised requests for data by external recipients of data, which **do** require the consent of the data subject are:
    - 4.3.1 requests from agents authorised by the employee/student who is the subject of the data, for e.g. mortgage requests, references. Confirmation should be sought from the employee/student, that the information is to be released and, normally the employee/student's written consent should be obtained.
    - 4.3.2 requests required by authorised officials or representatives of recognised trade unions. Confirmation should be sought from the employee, that the information is to be released and, if possible, the employee's written consent should be obtained.
- NB. All data processors should endeavour to restrict disclosures requested from outside of the University to those required by law as much as possible and should, at all times follow the University's security requirements detailed in section 10.

## **5 Accuracy of Data**

- 5.1 Updating is required only "where necessary" on the basis that, provided the University has taken reasonable steps to ensure accuracy (e.g. taking up references), data held is presumed accurate at the time it was collated.
- 5.2 All employees/students should be made aware of the importance of providing the University with notice of any change in personal circumstances.
- 5.3 Employees/students will be requested to update personal data on an annual basis for the purposes of ensuring that the data is up-to-date and accurate. Employees/students will be entitled to correct any details although in some cases the University may require documentary evidence before effecting the correction, e.g. by seeking examination/qualification certificates for amending qualification details.

## **6 Employees'/Students' Rights**

- 6.1 Employees/students are, at reasonable intervals (which the University deems to be every six months) entitled to have access to personal data held upon them which is not excluded data (see paragraph 6.9 below). A fee may be levied for this service (See paragraph 6.8 below). They are also entitled to be informed of the purpose for which the data is or is intended to be used and the likely recipient (or class of recipient)
- 6.2 Students are, in addition, entitled to access their own assessment results and this information will normally be supplied routinely. Assessment submissions are expressly exempted from data subject access rules. This means that the University is under no obligation to permit candidates to have access either to original scripts or to copies.
- 6.3 Assessors' comments, whether made on the assessed submission or in another form that allows them to be held and applied to the original script are not exempt. Staff should ensure that comments are capable of being reproduced for a student in a meaningful form on an assessment feedback form.
- 6.4 Students will have access to minutes of assessment boards that contain discussion about them where candidates are referred to by identifiers from which they may be identified, unless that data cannot be disclosed without additionally disclosing personal data about a third party.
- 6.5 Assessment results may be disclosed to third parties on notice boards specified for the purpose. Identifiers rather than names must be used and students should be given an explanation of where and how they should expect their results to be posted. Students should be given the right to object to their results being displayed if such disclosure will cause them damage – for example if their whereabouts would be made known and this would put them at risk.
- 6.6 Assessment results must not be given over the phone.
- 6.7 The University will comply with a request from a student to supply a record of his or her assessment results or comments either five months from the date of the request or forty days from the date on which the results were first announced, whichever is earlier.
- 6.8 The recipient of a request from an employee/student for confirmation of or sight of data held will refer it to the relevant Data Control Officer. The request must be in writing and the Data Control Officer must respond promptly on behalf of the University and in any event before the end of 40 days from the date on which the request was first received (subject to paragraph 6.7). This is however, conditional upon the Data Control Officer being provided with sufficient information to identify the relevant employee/student and to locate the information sought. The University is allowed to charge a fee for providing this information of up to £10 for each request. In the case of current employees the University will waive this charge for the time being. In the case of current

- students, the University reserves the right to charge a fee of £10, depending on the extent of the data requested. In using its discretion, the University will not be unreasonable. Access to records such as an enrolment form, assessment results, a student transcript will not command a fee.
- 6.9 The following information is excluded and will not be provided in response to a disclosure request:
- 6.9.1 confidential references given by the University when these relate to the education, training or employment of staff or students
  - 6.9.2 personal data processed for the purposes of management forecasting or management planning to the extent that disclosure would be likely to prejudice the conduct of that business or activity only
  - 6.9.3 personal data which consists of records of the intentions of the University relating to any negotiations with the employee/student to the extent that disclosure would be likely to prejudice those negotiations only
  - 6.9.4 if, in order to comply with a disclosure request, the University would need to disclose information relating to an identifiable third party then disclosure is not required unless the third party consents or it is otherwise reasonable to comply with the request without such third party consent. If the information sought is a health record and the third party concerned is a health professional who has compiled or contributed to that health record then disclosure should be made.
- 6.10 In addition to seeking disclosure of information, an employee/student is also entitled to request that the University does not process data concerning him/her where this will cause or be likely to cause substantial and unwarranted damage or distress, either to the employee/student concerned or to a third party. Such a request will need to be submitted in writing and, where possible, will be agreed by the University. Upon receipt of a written request from an employee a Data Control Officer will write to the employee/student within 21 days confirming that the request will be upheld or giving reasons why it will not
- 6.11 The employee/student will not be able to prevent processing if the processing is necessary for compliance with any legal obligation or it is necessary to protect the vital interests of the employee/student or it is necessary for the performance of a contract to which the employee/student is a party.
- 6.12 An employee/student who feels that he/she has, or is likely to suffer damage as a result of either inaccuracy in the data held by the University or as a result of unauthorised disclosure of information must notify a member of the Human Resources Department/Registry in writing immediately. Where appropriate, the University will correct or erase that information or indicate that the information is contested by the employee/student.
- 6.13 Employees/students have a number of remedies open to them through the Courts in the event that this policy or their legal rights in respect of personal data

are not complied with. In all cases however, students should use the official Complaints Procedure published in their course handbooks, whilst employees should use the Grievance Procedure.

- 6.14 In some cases personal data is held by the Student Union or student societies within the Union. The University looks upon the Student Union as an autonomous body and in such capacity the University expects the Student Union to be responsible for the notification of personal data to the Information Commissioner. The Data Controller will liaise with a member of the Student Union to ensure that personal data is properly notified.

## **7 Transfer of Data outside the UK**

- 7.1 It is a requirement of DPA that personal data shall not be transferred to any country or territory outside of the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.
- 7.2 For the avoidance of doubt the European Economic Area currently includes Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Portugal, Slovak Republic, Slovenia, Spain, Sweden and UK. The employee/student is, however, able to consent to the transfer of data in circumstances where the transfer is necessary.
- 7.3 The University will seek the explicit consent of a student/employee, if it becomes necessary to process and transfer data relating to that student/employee to a country or territory outside the European Economic Area.

## **8 Security**

- 8.1 In order to ensure compliance with the DPA and to prevent unauthorized disclosure of or access to personal data, the following security measures will be required in respect of the processing of any personal data:
- 8.1.1 Access to personal data on staff and students is restricted to those members of staff who have a legitimate need to access such data in accordance with the University's notification to the Information Commissioner.
- 8.1.2 Members of staff authorized to access personal data under paragraph 8.1.1 above, will be allowed to do so, only in so far as they have a legitimate need and only for the purposes recorded in the notification.
- 8.1.3 All persons processing data and individuals requesting access to personal data in accordance with this policy must have familiarised themselves with this policy and it will be the task of the Data Control Officers to ensure that all such personnel are thoroughly trained in its use.

- 8.1.4 Access to computer held data is subject to the same restrictions as above save that all staff authorised to access personal data will be required to have passwords in order to access the data. These passwords will be changed at regular intervals to ensure security is maintained. **Disclosure of a password to any other employee will result in a formal disciplinary investigation.**
- 8.1.5 All personal data will be stored in such a way that access is only permitted by authorised staff. This includes data stored in filing cabinets and other storage systems. **Acts or omissions by employees which lead to unauthorised access or disclosure will lead to a formal disciplinary investigation.**
- 8.1.6 Personal data should be transferred under conditions of security commensurate with the anticipated risks and appropriate to the type of data held.
- 8.1.7 Personal data held electronically must be appropriately backed up and stored securely to avoid incurring liability to individuals who may suffer damage or distress as a result of the loss or destruction of their personal data.
- 8.1.8 Any disposal of personal data will be conducted in a secure way, normally by shredding or security waste. All computer equipment or media to be sold or scrapped must have had all personal data completely destroyed, by re-formatting, over-writing or degaussing.

## **9 Third Parties**

- 9.1 Any personal data which the University receives and processes in relation to third parties, such as visiting academics, suppliers, landlords, employers, alumni, enquirers and other individuals on mailing lists etc. will be obtained lawfully and fairly and dealt with in accordance with the principles and conditions of the Act.
- 9.2 Employees should ensure that in all cases the use to which the data is to be put is registered in the Notification (See 4.4).
- 9.3 Employees should obtain explicit consent from third party data subjects to process such personal data for the purposes expressed in the Notification and should ensure that there is a mechanism for data subjects to gain access to data about themselves, to prevent the processing of such data for the purposes of direct marketing and to object to the disclosure of such data.
- 9.4 In cases in which it is necessary to transfer personal data relating to a third party to a country or territory outside the European Economic Area, the data processor should seek advice from the Data Control Officer in order to satisfy himself/herself that such country or territory has security measures for the protection of data at a standard at least equivalent to the United Kingdom. The data subject is, however, able to consent to the transfer of data in circumstances where the transfer is necessary.
- 9.5 There are exceptions to the general rule which may allow information to be transferred outside the EEA. The University needs to be able to justify its reasons for transferring data if using these criteria for transfers outside the EEA. The exceptions can be summarized as follows:
  - 9.5.1 with consent
  - 9.5.2 to make or perform a contract
  - 9.5.3 in legal proceedings
  - 9.5.4 to protect the vital interests of the individual
  - 9.5.5 for substantial public interest
  - 9.5.6 where the information is on the public register
  - 9.5.7 on terms approved by the Information Commissioner or where authorized by the Information Commissioner

## **10 Student use of Personal Data**

- 10.1 Academic Staff directly supervising students (normally research students) who are processing personal data for the purposes of research or study or in pursuit of an academic qualification should ensure that the personal data being

processed is adequately covered by the University's notification. Awareness of the need to comply with the Data Protection Act should be promoted to students through publications such as the 'Dissertation Guidelines'.

- 10.2 Where students process personal data for the purposes of research or study or in pursuit of an academic qualification, but not under the direct supervision of a member of staff, (normally FE, BA and PG students) such processing will be deemed to be for the students' own personal or domestic purposes and the processing will be exempt from notification by the University.

## **11 Contractors and Suppliers**

- 11.1 In certain circumstances it may be necessary to allow contractors or suppliers access to personal data in the course of maintenance or repair work.
- 11.2 In such circumstances, contractors should be documented and wear some form of identification. They should be restricted from unnecessary admittance to areas where personal data is held or processed and, if necessary, required to sign nondisclosure agreements, if access to personal data is unavoidable.

## **12 Staff use of personal data off-site, on home computers or at remote sites**

- 12.1 Employees processing personal data off-site should ensure they take reasonable precautions to prevent the data from being accessed, disclosed or destroyed as a result of any act or omission on their part. They should notify the Data Controller immediately in the event of theft.

## **13 Use of Personal Data in Research**

- 13.1 The 1998 act provides certain exemptions for 'research purposes' including statistical or historical purposes.
- 13.2 Provided that the purpose of research processing undertaken by staff and students is not measures or decisions targeted at particular individuals and it does not cause substantial distress or damage to a data subject, then personal data may be:
- processed for purposes other than for which they were originally obtained
  - held indefinitely
  - exempt from the right of access by data subjects where the results do not identify data subjects
- 13.3 Most of the Data Protection Principles still apply to personal data used for research purposes and researchers should always provide clear guidance to individuals whose personal data will be used in research as to why the data is being collected and the purposes for which it will be used.

## **14 Collection of Personal Data from Web Pages**

14.1 The University will provide the following information on any Web pages designed to collect personal data:

- the purpose for which the data is being collected
- the recipients or classes of recipients to whom the data may be disclosed
- an indication of the period for which the data will be kept
- any other information to ensure that the processing is 'fair'

14.2 The University will provide users with the opportunity to opt out of any parts of the collection of or use of the data that are not directly relevant to the intended transaction.

## **APPENDIX ONE: DATA CONTROL OFFICERS**

### **Designated Data Controller**

Marion Wilks, University Secretary

Responsibility:

Data Protection Policy  
Notification  
Advising on policies relating to third parties

### **Data Control Officers**

Responsibility:

Angela Fisher, Director of Human Resources  
Advising on policies relating to staff data

Responsibility:

David Burt, Academic Registrar  
Advising on policies relating to student data

## **APPENDIX 10: Policy for making adjustments to assessment tasks for students with a Disability/Specific Learning Difficulty**

1. Introduction
  - 1.1 The University is committed to creating a supportive environment where all students are able to reach their full potential and succeed with their chosen course of study. In supporting this commitment, the University aims to ensure that all students can demonstrate their ability in assessed work and are not put at a disadvantage compared with other students.
  - 1.2 All students will be assessed on their ability to meet the learning outcomes of a unit, by completing specified assessment requirements which are marked against published assessment criteria. In some circumstances relating to a disability/specific learning difficulty (spld), it may transpire that students are unable to succeed using the assessment methods specified in the unit, but would be able to fulfil the learning outcomes of the unit through one or more alternative assessment tasks. In such circumstances, the following policy and procedure provides for reasonable adjustment to the assessment of a unit or group of units for purposes of assessing a student with a disability.
  - 1.3 The exception to this is where the specified method of assessment is prescribed by a professional body (e.g. RIBA, ARB).
  - 1.4 The University's Student Development Services offers a range of support for students with a disability/spld to enable students to achieve published assessment criteria without being put at a disadvantage compared with other non-disabled students. Members of staff and students are encouraged to contact the Student Development Services for advice and guidance on any potential adjustments to assessment task.
  - 1.5 Students are encouraged to notify the University of any disability before they arrive, and are invited to discuss their support needs with the Disability Support Manager. In all cases, students should be encouraged to seek support before any adjustment to published assessment requirements is considered.
  - 1.6 Any adjustments to assessment tasks will be managed in such a way as to avoid the introduction of any source of unfairness in the assessment process.
2. Policy
  - 2.1 The policy is based on the principle that reasonable adjustment to the assessment tasks prescribed in any unit should be allowed for a student who can achieve the learning outcomes but is prevented by their disability/spld from demonstrating this through the usual assessment methods (subject to the exclusion in section 1.3).

- 2.2 The policy covers all Further Education and Higher Education students of the University<sup>41</sup> who have a disability/spld, provided that evidence has been disclosed to a member of staff prior to the point of assessment.<sup>42</sup> Variation to the prescribed assessment in any unit can only be approved if the student has disclosed his or her disability to the Course Leader, Dean, or Disability Support Manager.
- 2.3 A disability is defined as a particular physical, sensory or psychological condition that has a long term adverse affect on someone's ability to access the learning environment as compared to others. This may include, students who are: dyslexic; deaf, blind/partially sighted; have mobility difficulties; mental health difficulties; aspergers syndrome/autism and unseen conditions (for example, epilepsy) and some short-term illness which may be particularly debilitating.
- 2.4 Formal, written evidence from an appropriate expert (such as a medical practitioner, educational psychologist or occupational therapist) must be provided in all cases.
- 2.5 Students declaring a disability/spld through the admissions process are invited to meet with the Disability Support Manager to discuss their needs. Where the disability is expected to last throughout a student's period of study, details of agreed learning support, extensions and the form of any standard adjustment to assessment will be agreed by the Disability Support Manager with the student and recorded on a Learning Support Agreement. Where possible, the Learning Support Agreement should stipulate the units on which the adjustment should apply. This will be circulated to the Course Leader, Registrar and Learning Support Tutor and should be acted on for all assessments. The Course Leader will circulate the Learning Support Agreement to the Unit Leader(s) of the affected unit(s).
- 2.6 For the Edexcel policy on access arrangements and special considerations please refer to <http://www.edexcel.org.uk/VirtualContent/59386/AASCVQ.pdf>
- 2.7 For major adjustments that do not form part of a pre-negotiated Learning Support Agreement, requests for alternative assessment tasks should be submitted, together with the appropriate supporting evidence, as soon as possible and before the submission date for the relevant unit(s).

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<sup>41</sup> Further guidance on reasonable adjustments in assessment of Further Education students undertaking Edexcel BTEC qualifications can be found in *Access Arrangements and Special Considerations for BTEC and Edexcel NVQ Qualifications* available on-line at <http://www.edexcel.org.uk/VirtualContent/59386/AASCVQ.pdf>

<sup>42</sup> Note that under DDA 1995 as amended by SENDA 2001, the University is deemed to have been made aware of a disability, if the student has notified a member of staff of the institution about his or her condition. It is therefore important that information is passed quickly to the Course Leader and Disability Support Manager. Where a disclosure is made to a member of staff in confidence, every effort should be made to encourage the student to disclose his or her disability to the Disability Support Manager at the earliest opportunity.

### 3. Categories of reasonable adjustments to assessment

3.1 The University has identified two categories of variation to the assessment tasks which may constitute a reasonable adjustment: minor and major adjustments.

#### 3.2 Minor adjustment

3.2.1 Minor adjustments are those where the student is assessed in the same way as all other students undertaking that assessment, and where the completed work is, as such, indistinguishable from that of other students. In most cases, minor adjustments will involve little or no additional cost. Any costs associated with minor adjustments will be met by the campus responsible for the delivery of the unit. Minor adjustments will normally be included in a pre-negotiated Learning Support Agreement and should be dealt with through the Mitigating Circumstances Policy.

Minor adjustments include the following:

- use of larger fonts for Unit Handbooks or examination papers (where applicable);
- monitors with larger screens;
- use of coloured paper (normally cream or yellow);
- an extension to the submission date;
- additional time for examinations (where applicable);
- a separate room for examinations (where applicable), with or without medical supervision.

#### 3.3 Major adjustment

3.3.1 Adjustment of Assessment relates to a student's lack of ability to demonstrate learning outcomes through:

- Written language
- Constraints on time
- Physical ability to carry out tasks
- Sensory communication difficulties.
- The physical environment

3.3.2 Major adjustments are those where the nature of the assignment to meet the learning outcomes is changed. The introduction of such changes may also result in the creation of potential unfairness, which will be closely monitored by the Unit Assessment Board.

3.3.3 Major adjustments may cover a wide range of circumstances, but may include the following examples:

- use of a scribe for examinations;
- use of a BSL interpreter for written work and filmed for submission;
- use of a third person to complete practical work;
- verbal presentation or submission in place of a written assignment or examination;

- Powerpoint presentation in place of a verbal presentation, or vice versa;
  - Use of a multimedia/CD Rom in conjunction with a reduced word count
  - A Cloze test (i.e. a written answers/statements with key ideas, concepts and dates left as blanks)
- 3.3.4 The nature of major adjustments will mean that the work will often be easily distinguished from that of other students, as it will often be in a different format, but the work will be subject to the usual verification processes. Major adjustments are the responsibility of the Chair of the Unit Assessment Board, and approval may not be delegated to another member of staff. The Chair may, however, wish to discuss the case with other officers of the University such as the Executive Dean, Academic Registrar, Course/Unit Leader(s), the Disability Support Manager, and the student before reaching a decision on the most appropriate assessment task.
- 3.3.5 All requests for major adjustments to prescribed assessment tasks must be made by the Course Leader to the Chair of the Unit Assessment Board via the Registrar. The Disability Support Manager will be consulted on the request and invited to comment on the suitability of the proposed adjustment and offer guidance on practice elsewhere in the sector.
- 3.3.6 The documentation provided by the student must include appropriate professional evidence of the nature of the disability and/or a prior Learning Support Agreement (LSA), together with an explanation as to why a different assessment task is needed.
- 3.3.7 The proposal for an alternative assessment task should be drafted by the Course/Unit Leader in consultation with the student and the Disability Support Manager.
- 3.3.8 In approving the adjustment, the Chair of the Unit Assessment Board should take into consideration the following:
- I. the appropriateness of the proposed adjustment
 

*Whether the adjustment proposed would allow the student to demonstrate the learning outcomes of that item of assessment. Specifically, the use of a scribe, for instance, may require additional skills which are not normally required on that component.*
  - II. the potential introduction of unfairness into the assessment process
 

*Whether the revised method might result in the student being either advantaged or disadvantaged when compared against other students.*
  - III. how the alternative task for assessment ensures equivalence with the original assessment requirement in terms of volume and standard of achievement required
 

*If the revised method leads to a different form of work (such as a viva voce examination instead of a written assignment), how to ensure that no advantage or disadvantage accrues, with specific attention paid to how other students might have performed had they been assessed in this manner. For example,*

*the length of any viva voce examination that replaces a written assignment will need to be allocated a 'wordage equivalent' to a piece of written work.*

IV. any issues surrounding professional accreditation

*If the course leads to professional accreditation and the assessments have been approved by that body, whether the external examiner(s) or the professional body should be involved in the approval of any variations.*

vi. the implication of any adjustment for other units

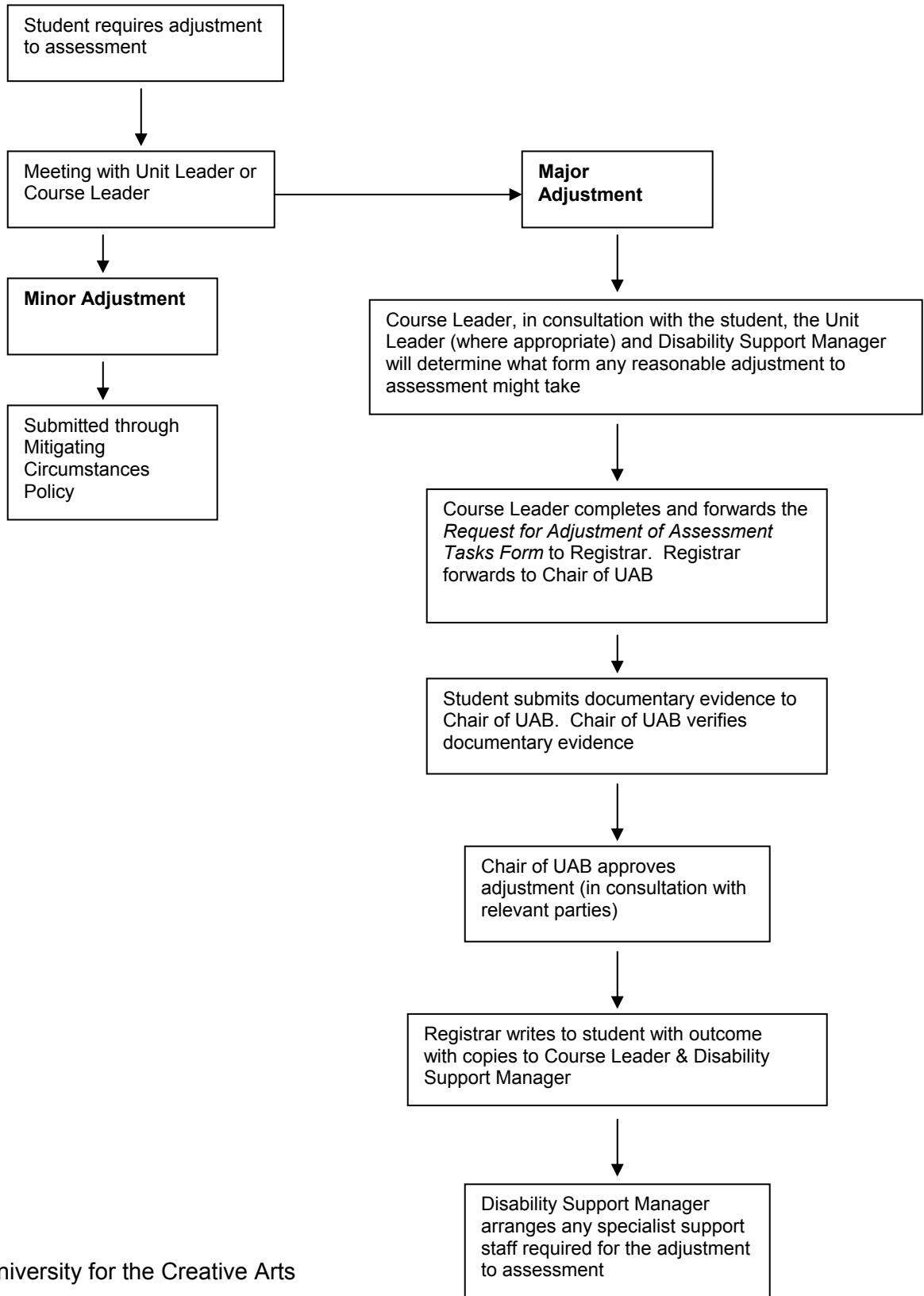
*If an adjustment to an assessment task is agreed, consideration should be given to whether this would apply to other units on which the student is enrolled, or is likely to enrol at a future stage.*

4. Procedure

- 4.1 Any student who believes that they require a special form of assessment for any part of their course of study should inform their Unit Leader or Course Leader as soon as possible.
- 4.2 Where a major adjustment is considered necessary and is not included within a pre-negotiated Learning Support Agreement, the Course Leader will discuss the assessment needs with the student, the Unit Leader (where appropriate) and the Disability Support Manager to determine what form any reasonable adjustment to assessment. The Course Leader may also consult with other officers of the University as appropriate and may seek the guidance of the External Examiner for the unit(s) in question. The Course Leader will complete the *Request for Adjustment of Assessment Tasks Form* with details of recommended adjustments and forwards to the Registrar.
- 4.3 The approval of the form of any major adjustment is the responsibility of the Chair of the Unit Assessment Board. Once a *Request for Adjustment of Assessment Methods Form* has been completed by the Course Leader and forwarded to the Registrar, as indicated in 4.2 above, the Registrar will forward the form to the Chair of the Unit Assessment Board.
- 4.4 The student must provide appropriate documentary evidence from an independent professional practitioner to support the request. This may be provided in a sealed envelope and will be passed directly to the Chair of the Unit Assessment Board who will be responsible for verifying the evidence and determining the duration for which the evidence may be deemed valid.
- 4.5 The Chair of the Unit Assessment Board may not delegate approval relating to major adjustments to another member of staff. The Chair may wish to discuss the case with other officers of the University such as the Executive Dean, Academic Registrar, Course/Unit Leader(s), the Disability Support Manager and the student before reaching a decision on the most appropriate assessment task.

- 4.6 Once approved, the Registrar will notify the student of the approved adjustment and forward a copy of the form to the student and will send copies of the completed form to the student's Course Leader and the Disability Support Manager. The supporting medical or other evidence will also be forwarded to the Disability Support Manager.
- 4.7 The Chair may, if appropriate, reject the request for a major adjustment, and treat the claim as a minor adjustment through the mitigating circumstances policy and procedures.
- 4.8 The Course Leader will forward a copy of the *Request for Adjustment of Assessment Methods Form* to the relevant Unit Leader(s).
- 4.9 The Disability Support Manager will be responsible for arranging and organising any specialist support staff required as part of the adjustment to assessment.
5. Student records
  - 5.1 A copy of the completed *Request for Adjustment of Assessment Methods Form* will be retained by the College Office and, where appropriate, the Disability Support Manager, together with the supporting evidence, for the lifetime of the student file. The Course Leader and Unit Leader(s) will retain a copy of the *Request for Adjustment of Assessment Methods Form* for the duration of the period during which the student is studying the specific unit(s) affected, after which time all copies will be returned to the College Office for destruction.
  - 5.2 The Unit Assessment Board shall record instances of all adjustments to assessment.
6. Monitoring
  - 6.1 The Unit Assessment Board will keep records of all adjustments to assessment in the minutes of the meeting.
  - 6.2 The relevant Progression & Award Board will monitor major adjustments to assessment across all Unit Assessment Boards for consistency and parity.
  - 6.3 Any adjustments to assessment will be monitored by the course team through Annual Academic Monitoring and Periodic Review.

## Adjustments to Assessment Policy Diagram



**Request for an Adjustment of Assessment Task Form**

Forms must be completed as soon as possible and before the submission date of the relevant unit. Corroborative evidence must be attached. Please read the guidance notes attached to this form.

**Section A: Personal details**

Surname _____ Forename(s) _____	
Student ID Number: _____	Course _____

**Section B: Unit(s) for which an alternative form of assessment is being sought**

Unit Code	Unit Title	Unit Credit Value	Unit Tutor
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----

**Section C: Information on students disability and difficulty with undertaking published assessment component(s)**

Nature of disability:
Evidence attached*/available through the Disability Support Manager* <span style="float: right;">*Delete as appropriate</span>
Brief description of the difficulty with the assessment component identified:

**Section D: To be completed by the Course Leader**

Date of meeting with student:        /        /
Date of consultation with Disability Support Manager:        /        /
Details of any proposed major adjustment to assessment, following consultation with Disability Support Manager and student:
Name of Course Leader:.....
Signature:..... Date.....
Signature of Student: ..... Date.....

**Section E: Decision of the Chair of the Unit Assessment Board**

1. Documentary evidence seen? <input type="checkbox"/> s <input type="checkbox"/> No        N <input type="checkbox"/> Applicable
--

<p><b>2. MAJOR ADJUSTMENT</b></p> <p>Approved: ..... YES/NO</p> <p>Rejected: ..... YES/NO    <i>Please state reason(s) below</i></p> <p>Treat as MINOR adjustment: YES/NO</p>
Chair's recommendations for adjustment to assessment tasks: <i>(Include additional sheets if necessary)</i>
Was an external examiner consulted? YES/NO  If YES, please include name and institution: .....

.....

Signed by Chair of Unit Assessment Board: ..... Date.....

Name: .....

*For College Office Use*

Date request received: .....

Date forwarded to: (a) Chair of Assessment Board: ..... (b) Disability Support Manager: .

Date decision received:..... Date of letter to student: .....

Circulated to: Associate Dean  Course Leader  Disability

Support Manager

## Guidance Note for Course Leaders

1. This guidance should be read in conjunction with the Policy for making adjustments to assessment for students with disabilities.
2. The policy covers all Further Education and Higher Education students of the University College who have a disability/specific learning difficulty.
3. This form is for adjustments to assessment tasks that do not form part of a pre-negotiated Learning Support Agreement. Requests should be made **as soon as possible and before the submission date of the relevant unit**.
4. On receiving a request for an adjustment to assessment from a student, the Course Leader should meet with the student as soon as possible. The Course Leader should also discuss the assessment needs with the Unit Leader (where appropriate) and the Disability Support Manager and may seek guidance of the External Examiner for the unit(s) in question. The form should be completed at this meeting, and should be signed by both the Course Leader and the student.
5. All requests must be accompanied with formal, written evidence from an appropriate expert (such as a medical practitioner, educational psychologist or occupational therapist) **in all cases**. Where this has been made available to the Disability Manager prior to the request, this should be indicated in section C.
6. For Further Education courses validated by Edexcel, the Course Leader should consult the Edexcel policy on access arrangements and special considerations which can be found at <http://www.edexcel.org.uk/VirtualContent/59386/AASCVQ.pdf>

## Categories of reasonable adjustments to assessment

7. Minor adjustment
  - 7.1 Minor adjustments are those where the student is assessed in the same way as all other students undertaking that assessment, and where the completed work is, as such, indistinguishable from that of other students. In most cases, minor adjustments will involve little or no additional cost. Any costs associated with minor adjustments will be met by the college responsible for the delivery of the unit. Minor adjustments will normally be included in a pre-negotiated Learning Support Agreement and should be dealt with through the Mitigating Circumstances Policy.
  - 7.2 Minor adjustments include the following:
    - use of larger fonts for Unit Handbooks or examination papers (where applicable);
    - monitors with larger screens;
    - use of coloured paper (normally cream or yellow);
    - an extension to the submission date;
    - additional time for examinations (where applicable);

- a separate room for examinations (where applicable), with or without medical supervision.

## 8 Major adjustment

- 8.1 Major adjustments are those where the nature of the assignment to meet the learning outcomes is changed. The introduction of such changes may also result in the creation of potential unfairness, which will be closely monitored by the Unit Assessment Board.
- 8.2 Major adjustments may cover a wide range of circumstances, but may include the following examples:
- use of a scribe for examinations;
  - use of a BSL language interpreter for written work and filmed for submission;
  - use of a third person to complete practical work;
  - verbal presentation or submission in place of a written assignment or examination;
  - PowerPoint presentation in place of a verbal presentation, or vice versa;
  - use of a multimedia/CD Rom in conjunction with a reduced word count;
  - A Cloze test (i.e. a written answer/statement with key ideas, concepts and dates left as blanks)
- 8.3 The nature of major adjustments will mean that the work will often be easily distinguished from that of other students, as it will often be in a different format, but the work will be subject to the usual verification processes.
- 8.4 Major adjustments are the responsibility of the Chair of the Unit Assessment Board, and approval may not be delegated to another member of staff. The Chair may, however, wish to discuss the case with other officers of the University such as the Executive Dean, Academic Registrar, Course/Unit Leader(s), the Disability Support Manager, the External Examiner(s) for the unit(s) affected, and the student before reaching a decision on the most appropriate assessment task.
- 8.5 All requests for major adjustments to prescribed assessment methods must be made by the Course Leader to the Chair of the Unit Assessment Board, via the Registrar. The Disability Manager will be consulted on the request and invited to comment on the suitability of the proposed adjustment and offer guidance on practice elsewhere in the sector.
- 8.6 The documentation provided by the student must include appropriate professional evidence of the nature of the disability, and/or a prior Learning Support Agreement (LSA), together with an explanation as to why a different assessment task is needed.

### **Guidance for Chairs of Unit Assessment Boards**

9. Consideration of major adjustments

- 9.1 In considering major adjustments the Chair of the Unit Assessment Board, in consultation with the Associate Dean, Course Leader and the Disability Support Manager, will determine what form any reasonable adjustment to assessment may take. The Chair may, at his or her discretion, convene a meeting with the student as part of these deliberations. The Chair may also consult with other officers of the University as appropriate and may seek the guidance of the External Examiner for the unit(s) in question. The Chair of the Unit Assessment Board will complete the form with details of recommended adjustments and forward the form to the Registrar.
- 9.2 The Chair may, if appropriate, reject the request for a major adjustment, and treat the claim as a minor adjustment through the Mitigating Circumstances Policy and procedures.

## **10. Criteria for consideration**

- 10.1 In considering the adjustment, the Chair of the Unit Assessment Board should take into consideration the following:
- i. the appropriateness of the proposed adjustment  
*Whether the adjustment proposed would allow the student to demonstrate the learning outcomes of that item of assessment. Specifically, the use of a scribe, for instance, may require additional skills which are not normally required on that component.*
  - ii. the potential introduction of unfairness into the assessment process  
*Whether the revised method might result in the student being either advantaged or disadvantaged when compared against other students.*
  - iii. how the alternative task for assessment ensures equivalence with the original assessment requirement in terms of volume and standard of achievement required  
*If the revised method leads to a different form of work (such as a viva voce examination instead of a written assignment), how to ensure that no advantage or disadvantage accrues, with specific attention paid to how other students might have performed had they been assessed in this manner. For example, the length of any viva voce examination that replaces a written assignment will need to be allocated a 'wordage equivalent' to a piece of written work.*
  - iv. any issues surrounding professional accreditation  
*If the course leads to professional accreditation and the assessments have been approved by that body, whether the external examiner(s) or the professional body should be involved in the approval of any variations.*

- vi. the implication of any adjustment for other units

*If an adjustment to an assessment task is agreed, consideration should be given to whether this would apply to other units on which the student is enrolled, or is likely to enrol at a future stage.*