



# **Rules and Regulations**

## **For Students**

### **2015-2016**

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# Rights and Responsibilities

## 1. Student Agreement

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Definitions

**We/Us/Our** means the University of Bristol.

**You/Your** means a registered student of the University of Bristol.

**Programme** means your pathway or programme of study or research.

### 1. Introduction

a. This document forms the basis of the relationship between you and us which starts when you accept our offer of a place on your Programme. This includes acceptance through UCAS or another agency where applicable. Your ability to take up your place may depend on meeting certain conditions.

b. To keep this document to a sensible length, we refer to other documents. They also form part of this agreement. In particular we refer you to:

1. Rules and regulations for students - especially the regulations relating to student discipline, examination regulations, fees, exclusion on the grounds of health, safety and welfare, fitness to practise, research conduct and misconduct and the use of computer and library facilities
2. University Student Handbook
3. Data protection policy
4. Intellectual property policy for students

c. If you have secured a place in University accommodation, your right to that place is subject to your continued registration as a student at the University. The specific terms and conditions regarding the provision of accommodation and your payment of accommodation fees are subject to separate agreements.

This Agreement has been produced in consultation with the Students' Union. The Students' Union is a separate legal entity which exists to support the welfare and development of students. We encourage you to participate in the activities of the Students' Union.

## 2. We each agree that:

Programme of study and learning environment	
You can expect us to:	We expect you to:
provide you with the tuition and learning support associated with your Programme of study with reasonable care and skill.	take responsibility for your own learning, working in partnership with staff to become a self-reliant, independent learner.
make reasonable efforts to deliver your Programme of study as described in the relevant specification for the appropriate academic year.	pursue your studies diligently, contributing effectively to your Programme and not to hinder the studies of others.
let you know as soon as possible if we need to alter anything related to your Programme, such as a change in timetabling, location, type of class, assessment or syllabus.	attend formal teaching and learning events (lectures, seminars, tutorials, lab classes, etc.) associated with your Programme, subject to absence for medical or other agreed reasons.
provide formal University policies, including regulations, codes of practice and guidelines, within which your Programme will be delivered.	familiarise yourself and comply with relevant University rules and regulations, including those relating to your Programme and the award for which you are registered.
consult with you, via the elected sabbatical officers of the Students' Union, and through the Course Representative system on any proposed significant changes to the formal University regulation and policies that govern your Programme, ensuring that its implementation does not negatively affect existing cohorts of students.	engage with the consultation, where appropriate, and be aware of when changes will be implemented and what that means to you.
make available appropriate infrastructure to support your learning, including teaching and learning space, library and ICT facilities.	make appropriate use of all the resources available, including staff, other students and library and ICT facilities, and comply with the <u>General Regulations for the Library Services and Facilities</u> and <u>Acceptable Use Policy</u> .
provide clear information about your Programme and units and about our expectations of what you need to achieve to complete your Programme successfully.	be aware of the information provided to you about the University and your Programme and know where to look for reference to detailed information

<b>Programme of study and learning environment</b>	
<b>You can expect us to:</b>	<b>We expect you to:</b>
	and guidance, whether electronic or paper based.
communicate with you by post or via your University email address as appropriate.	check your University email account regularly and frequently both during and outside of term time.
return marked work in a timely manner and according to the guidance set out in the University's codes of practice for assessment, progression and the award of qualifications, or equivalent.	complete and submit by the required deadlines any work to be assessed as part of your Programme, including any assignments, laboratory or project work related to individual units.
encourage a professional and responsible learning environment and suitably support you, academically and pastorally.	play an effective part in the academic community and respond to requests to give your opinion about your learning and other experiences at the University.
carry out regular monitoring of the quality of learning and teaching offered as part of your Programme.	contribute to internal and external procedures for assuring the quality of learning, teaching and assessment provided for you and other students.
<b>Accountability and conduct</b>	
<b>You can expect us to:</b>	<b>We expect you to:</b>
<p>In accordance with the procedures contained in the Student Complaints Procedure, Student Disciplinary Regulations and Examination Regulations:</p> <ol style="list-style-type: none"> <li>1. allow you the right to make a complaint about matters that affect you and allow you the right to appeal decisions made about you</li> </ol>	be aware of the Student Complaints Procedure, Student Disciplinary Regulations and Examination Regulations including the rules relating to submission of extenuating circumstances, complying with deadlines by which representations have to be made and noting that, wherever

Programme of study and learning environment	
You can expect us to:	We expect you to:
2. operate a fair and transparent disciplinary procedure	possible, complaints are best resolved at school or faculty level.
give you the right to be represented in University Governance, usually through the Students' Union, and to encourage student representation on relevant University committees, boards and working groups.	<p>when acting as a student representative on school, faculty or University committees, take care to consult fellow students and to represent their views accurately and in a balanced way.</p> <p>to engage with your course representative and local representative and to raise concerns at the earliest opportunity.</p>
take reasonable care to keep your personal details secure at all times, and to comply with our obligations under the Data Protection Act.	ensure that the personal details the University holds about you, including your current term-time and home address and personal email address are accurate and updated as soon as they change, using Student Info online. This will help us to contact you quickly as and when needed.
conduct fair procedures for dealing with students who disclose criminal convictions either before or after registration.	<p>disclose any unspent criminal convictions and cautions that are not "protected" when applying to us and during your studies. "Unspent convictions" and "protected convictions and cautions" are defined in the <u>Rehabilitation of Offenders Act 1974</u>.</p> <p>For some programmes, including, but not limited to, social work, PGCE and medicine, you will also be required to disclose spent convictions and cautions that are not "protected" and obtain a DBS</p>

Programme of study and learning environment	
You can expect us to:	We expect you to:
	check from the Disclosure and Barring Service.
make publicly available (and annually update if required) details of the tuition fees and any other expenses relating to all the programmes of study offered by the University.	make sure all tuition fees and other expenses relating to your Programme are paid in time and agree to be bound by our <u>regulations on the payment of fees</u> , refunds in the event of termination of your studies and the consequences of non-payment
provide you with a fair, equitable and supportive environment in accordance with the <u>University's Equality and Diversity policy</u> .	comply with University rules and regulations regarding student behaviour and attendance.  Students are encouraged to share with the University in a timely manner any circumstances affecting their study

### 3. Changes to Your Programme

a. Where necessary and reasonable we may need to alter the timetable, location, number of classes, method of delivery, content, assessment and syllabus of your Programme. We may also withdraw Programmes before they have started. In altering any aspects of you Programme:

i. we will consult you and give you an opportunity to provide feedback to us in relation to any proposed changes to your Programme. We will take account of your feedback in our decision,

ii. we will attempt to minimise any adverse impact on you. Where necessary we will make arrangements for you to complete your Programme.

iii. we will not withdraw a Programme until all students enrolled on that Programme have completed their studies.

iv. we will give you reasonable notice in the event of any discontinuance or fundamental changes to your Programme and explore with you the opportunities for transferring to another Programme at Bristol or another



institution, you will also be entitled to withdraw your application or withdraw from your Programme by telling us in writing. You may make a claim for a refund of any tuition fees and deposits you have paid, in accordance with the Student Fees Regulations.

v. we will ensure that you receive recognition or credits for any units or modules you have successfully completed.

#### **4. Termination**

a. The relationship between you and us will end:

- i. if you withdraw from the University; or
- ii. if you are required to withdraw in accordance with our disciplinary or fitness to practise procedures or by a decision of the faculty board based on your academic performance; and/or
- iii. for non-payment of fees in accordance with the Student Fees Regulations.

b. We may terminate our relationship with you in writing with immediate effect if:

- i. you are expelled or refused admission or membership by any organisation which you are expected to attend or be a member of as part of your Programme; or
- ii. between accepting an offer and starting your Programme there is a change of your circumstances which, in our reasonable opinion, makes it inappropriate for you to study on your Programme; or
- iii. we become aware of information about you which we did not know before and which, in our reasonable opinion, makes it inappropriate for you to study on your Programme; or
- iv. in our reasonable opinion you have failed to provide us with all relevant information, or have supplied false or misleading information, relating to your application for your Programme; or
- v. where your behaviour represents a significant risk to the health, safety or welfare of yourself or others as detailed in the Fitness to Study Policy and Procedure; or
- vi. if your continuing registration at the University puts us in breach of any of our legal obligations to comply with UK immigration or other legal requirements.

You will have the right to submit a complaint under the Student Complaints Procedure should the relationship between you and us be terminated under this sub-section (b).

c. If you fail to meet the conditions of our offer or if you have not already registered at the time of termination, we shall be entitled to refuse to register you on your Programme. If, at the time of termination you have registered, we shall be entitled to require you to stop studying on your Programme and leave the University immediately.

d. On termination, you are required to return your student identification card, together with all property owned by us, to your faculty office. You must pay all outstanding fees immediately. Any contract you have for University accommodation will terminate in accordance with its terms.

e. Any action we take under the above provisions will not restrict our ability to take any other action against you that we have the right to take.

## **5. Liability**

a. We will be liable to you for any direct loss or damage you suffer if we either fail to carry out our obligations under this agreement to a reasonable standard; or breach any relevant duties that we owe to you that are imposed on us by law (including if we cause death or personal injury to you by our negligence), but not to the extent that such failure is attributable to:

- i. your own fault;
- ii. the fault of a third party.

b. Our liability to you in the case of loss or damage other than for death or personal injury or fraud is limited to a reasonable amount having regard to such factors as whether the damage was due to a negligent act or omission by us.

c. We will not be liable to you for events outside our control which we could not have foreseen or prevented even if we had taken reasonable care. Events outside our control include industrial action, over or under demand from students, staff illness, significant changes to Higher Education funding, severe weather, fire, civil disorder, political unrest, government restrictions and concern with regard to the transmission of serious illness. In such circumstances, we reserve the right to change or cancel parts, or all, of your Programme.

## **6. Intellectual Property**

Subject to the provisions of our [policy on intellectual property rights](#), we may be regarded as owning all intellectual property generated by you during your studies.

We own or have licensed to us the intellectual property in all course materials produced by us or on our behalf and such materials should only be used for your own personal study purposes.

## **7. Recording of Lectures**

We may allow you to record academic teaching in accordance with our [Recording of Educational Activities Policy](#).

In consideration of you being allowed to record lectures or other academic teaching and use such recordings as set out in the policy, you hereby assign to us absolutely throughout the world the entire copyright, all other rights in the nature of copyright subsisting in the recordings you make and all other rights in

the recordings of whatever nature, whether now known or created in the future, to which you are now, or at any time in the future may be, entitled by virtue of the laws in force in the United Kingdom and in any other part of the world.

If you fail to comply with the policy this may be treated as a disciplinary matter.

The policy also covers recordings that we make and/or make available to you.

## **8. Immigration Requirements**

We have legal obligations to comply with UK immigration requirements including engagement monitoring. You must ensure that your immigration status is up to date. Further guidance is available from our [International Office](#).

## **9. Your right to cancel**

a. For the purposes of the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013, if this contract is a “distance contract” or “off premises contract”, you have the right to cancel your acceptance of this agreement within a period of 14 days after the day on which you accepted the terms of this agreement, without giving us any reason.

b. To exercise the right to cancel, you must inform us of your decision to cancel this agreement by making a clear statement to this effect (e.g. a letter sent by post, fax or email). You may complete our [online model cancellation form](#), but it is not obligatory. If you submit our online form, we will acknowledge receipt of your notice by e-mail without delay.

c. To meet the cancellation deadline, it is sufficient for you to send your communication exercising your right to cancel before the 14 day cancellation period has expired.

d. If you cancel this agreement within the cancellation period, we will reimburse to you all payments received from you. We will make the reimbursement without undue delay and not later than 14 days after the day on which we are informed about your decision to cancel this agreement. We will make the reimbursement using the same means of payment as you used for the initial transaction, unless you have expressly agreed otherwise; in any event, you will not incur any fees as a result of the reimbursement.

## **10. Data Protection**

When you enter into the relationship with us, you are giving us the right to hold and process your personal data including sensitive personal data. We will process your personal data in accordance with the Data Protection Act 1998 and our policies on data protection and data processing. We will share your data with third parties in accordance with our policy on data protection. We shall remain the data controller of your data. For full details of our policies, read [how the University uses student personal data](#).

We may record lectures or other educational activities in which you may be involved in accordance with our [Recording of Academic Teaching Policy](#). Please read this policy to understand your rights and obligations

## **11. Notices**

a. Any notice given under this agreement will be in writing. Any notice will be sent by email to you at your University email address. We may also send any notice to either your term-time or your home address as appropriate.. Notice to the University should be addressed to the Deputy Registrar (Academic Services) at Senate House.

b. Notice shall be properly served when delivered by hand or 48 hours after being posted if sent by pre-paid first class post or by email.

c. Please note your obligation to keep your contact details up to date.

## **12. General**

a. If any provision of this agreement is or becomes void, illegal, invalid or unenforceable, that shall not affect the legality, validity or enforceability of the other provisions.

b. These terms and conditions and the documents referred to in this document override any other communication, document or representation made by us, either in writing or orally. These terms and conditions are the entire understanding between you and us about your Programme and replace any other undertakings or representations.

c. This agreement is personal to you; you are prohibited from assigning or transferring it or any of the rights and obligations under it to a third party.

d. Neither party intends that any of the terms of this agreement will be enforceable by any third party, by virtue of the Contracts (Rights of Third Parties) Act 1999.

e. Failure to enforce any of the provisions of this agreement will not constitute a waiver of any provision and will not affect our right to enforce that or any other provision.

f. A reference to a statute or a regulation shall include any amendments made from time to time under that statute or regulation.

g. The relationship between us shall be governed by and in accordance with the laws of England and Wales and both parties agree to submit to the non-exclusive jurisdiction of the Courts of England and Wales.

*Approved by Council*

## 2. Dignity at Work and Study

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The University of Bristol acts to ensure dignity at work and study. The University will take steps to protect its staff and students from harassment, bullying or victimisation, whether this arises from race, sex, sexual preference, age, appearance, political or religious views or on any other grounds.

Those who believe they have been treated in a way which threatens their dignity should in the first instance try to deal with the matter informally, where necessary involving a senior member of staff or tutor. Frequently all that will be needed is an explanation that behaviour is damaging or hurtful, followed by an apology. In some cases it may be helpful for the University's Mediation Service to be used to find an informal solution.

Where the matter cannot be dealt with informally, students may make use of the University's Student Complaints Procedure. In appropriate cases disciplinary action may follow. All issues will be dealt with in confidence.

To view the University's Equality and Diversity Policy please see: [www.bristol.ac.uk/equalityanddiversity/policy.html](http://www.bristol.ac.uk/equalityanddiversity/policy.html)

*Approved by Council 4 July 1997. Last amended July 2009.*

### **3. How the University uses student personal data**

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The University needs to process student personal data in order to function effectively as an educational institution. Personal data is processed for a variety of reasons (as set out below) and all such personal data shall be collected and held in accordance with the Data Protection Act 1998 ('the Act').

#### **Types of personal data processed**

Personal data the University may process:

- personal details (name, address, date of birth)
- phone numbers
- email addresses
- gender
- gender identity
- photographs
- financial information
- academic marks
- appraisals
- references
- disciplinary information
- criminal offence or conviction information
- health and disability information
- ethnicity data
- sexual orientation
- dietary requirements
- religious belief data
- caring responsibilities
- information regarding hobbies and interests
- any other legitimate personal data relating to academic and pastoral support.

Information about criminal offences, health, disability, ethnicity, sexual life and religion constitutes sensitive personal data (as defined within s.2 of the Act) and is afforded an extra level of security and confidentiality.

Emergency contact details provided by students will also be held in accordance with the Act.

#### **Primary purposes for processing**

- Student welfare / pastoral care - eg contact with personal tutor, Counselling Service
- Administration and provision of health care services - Student Health Service
- Financial administration - eg payment of tuition fees, provision of loans and bursaries via the Student Funding Office

- Security and crime prevention / detection - eg use of regulated CCTV, incident reports
- Library services - eg administration of membership, cards, loans and fines
- Provision of student ID card
- Provision and maintenance of computing facilities - including email accounts and internet access
- Educational administration - eg registration, progress monitoring, timetabling, calculation and publication of assessments, provision of references
- Accommodation - provision and management of University owned and privately owned property for students
- Administration of applications - receiving and processing UCAS forms, compilation of statistics, assessments of applications including preliminary and confirmed offers. Some liaison with UCAS.
- Advisory services - eg careers and financial advice

plus any other purpose within the legitimate interest of the University.

The University will also use student personal data to produce non-identifiable statistical data for analysis to fulfil its commitment to equality monitoring and provide a more targeted response to improving the student experience.

### **Disclosures to third parties**

Where there is a legitimate reason to do so, the University may disclose student personal data to the following third parties:

- HESA
- Student Loans Company (to allow students to receive their loans)
- Local Education Authorities
- Local Councils (in relation to Council Tax exemption)
- UK Visas and Immigration (information on immigration and visas)
- General Medical Council (GMC) - for medical graduates, to process and maintain registration with the GMC
- General Dental Council (GDC) - for dental graduates, to process and maintain registration with the GDC
- The Students' Union (SU Bristol)
- JISC Plagiarism Detection Service (Turnitin)
- Unite - where Unite provide student accommodation on behalf of the University
- Research councils
- Agents assisting the University with international admissions (this may include the disclosure of personal data outside the European Economic Area)
- External auditors
- External examiners
- Other higher education institutions, partners or research organisations where a student's programme is being run collaboratively
- Third parties performing administrative functions on behalf of the University (acting as data processors)

- Organisations seeking student views to enable the University to endeavour to improve the experience offered to students eg [National Student Survey](#)
- The Government and local authorities during information gathering exercises when the University is legally obliged to provide data
- Potential employers and other educational institutions requesting a reference for a current or past student (consent is implied by providing the University's details as a referee). This includes confirmation of awards.

This is not an exhaustive list and such third parties may have access to student data only for the purpose of performing their function. Any disclosures to third parties not listed here will be made only where there is a legitimate reason to do so and in accordance with the law.

The University may also use third party companies as [data processors](#) to carry out certain administrative functions on behalf of the University. If so, a written contract will be put in place to ensure that any personal data disclosed will be held in accordance with the Data Protection Act.

Parents, family members and guardians are considered to be third parties and no student personal data will be disclosed unless consent is received from the student or the disclosure is in accordance with the Data Protection Act.

### **Collaborative programmes of doctoral training**

Please be aware that if you are applying for or enrolling on a collaborative programme of doctoral training (such as those listed on the [Bristol Doctoral College website](#)) then the University will need to make some further uses and disclosures of your personal data to administer your place on the programme. For further information, please see the relevant [Data Protection Statement](#).

### **Email**

Email for students is provided by a third party. This requires the University to disclose some personal data (name and email address) to this third party. This personal data will be held in accordance with the Data Protection Act and will be stored either in the EU or under [Safe Harbor](#) if stored outside the EU ie a level of protection the EU deems adequate for the rights and freedoms of data subjects in relation to the processing of their personal data.

The student, and not the University, is the [data controller](#) (as defined within the Data Protection Act) of any personal data stored within their email and calendar account. Students using the service are also subject to the third party's terms of use and privacy policy.

### **Student responsibilities**

Any personal data collected by students in the course of their University work must be held in accordance with the [Data Protection principles](#). Students also



have a responsibility to ensure their personal details are up to date. This can be done online at [Student Info](#).

### **UCard (University ID card)**

The [UCard Privacy Policy](#) sets out how personal data, and other information related to the UCard, is handled.

### **CCTV**

For further information, please see the University's [CCTV Code of Practice](#).

### **Accessing your personal data**

A [subject access request](#) may be made under the Data Protection Act to gain access to your personal data.

### **Retention**

Student files will normally be held for six years after a student has left the University. Basic information (including name, date of birth, attendance dates and award) about students will be retained indefinitely after a student has graduated or left the University.

### **Alumni**

On graduation, students will automatically become members of the University alumni and may receive information relating to alumni activities, such as news, events and fundraising opportunities. There is further information available about the benefits of being a Bristol alumnus on the [Campaigns and Alumni Relations Office website](#).

To opt out of receiving such information please send an email to: [alumni-change@bristol.ac.uk](mailto:alumni-change@bristol.ac.uk)

### **Further information**

The [Information Commissioner's Office](#) regulates the use of personal data in England and Wales. For any queries regarding Data Protection, please contact the Information Rights Officer at: [data-protection@bristol.ac.uk](mailto:data-protection@bristol.ac.uk)

## 4. Student Complaints Procedure

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### 1 Introduction

1.1 A complaint is an expression of dissatisfaction by one or more students about action or lack of action by the University, or about the standard of service provided by or on behalf of the University. The University aims to operate a fair and transparent student complaints procedure and students will not suffer any detriment by making a complaint.

1.2 Wherever possible, concerns raised by students should be resolved informally without recourse to formal procedures. If a student has a complaint about any aspect of University life, it should be raised with an appropriate person at the earliest opportunity. Faculties, schools and divisions that provide services to students should inform students who to contact in the first instance if they have a complaint.

1.3 If the student is unable to resolve the complaint informally, or is dissatisfied with the outcome, this complaints procedure shall be followed. Complaints by students with a registered disability about the provision of reasonable adjustments for teaching and assessment shall be given priority and dealt with urgently, in order to prevent prejudice to the student that might be caused by any delay.

1.4 The complaints procedure involves two stages:

(i) The Local Stage

(ii) The University Stage

1.5 Students may raise complaints jointly.

1.6 Complaints must be brought promptly. The University will not accept complaints that are made longer than 90 days after the matters complained about, unless there is good reason for the delay.

1.7 Any registered student may bring a complaint under this procedure. A former student may also bring a complaint under this procedure within 90 days after the matters complained about, but only if the complaint could not reasonably have been brought while he or she was a registered student.

1.8 Anonymous complaints may only be accepted at the discretion of the University Secretary.

1.9 Complaints about decisions of an academic body on student progress, assessment and awards may not be brought under this procedure and may only be raised under the academic appeals procedure set out in the Examination Regulations. Complaints about teaching and supervision will not be considered in an academic appeal unless they were raised by the student promptly at the time they first arose and pursued under this procedure.

1.10 Claims for compensation for personal injury cannot normally be brought under this procedure, but may be accepted at the discretion of the University Secretary.

## **2 Early Resolution**

2.1 It is expected that a person to whom a complaint is brought informally should seek to resolve any concerns that have been raised. If following discussion of the concerns, or where the concerns raised involve interpersonal relationships, he or she considers it appropriate, he or she may recommend that a facilitated discussion takes place or that the matter is referred to mediation. Both of these are voluntary and will only take place if all parties agree. However the University encourages the early resolution of issues through these means where appropriate.

2.2 Where appropriate, the person to whom a complaint is brought informally may refer the concerns to be dealt with under the Acceptable Behaviour Policy or the appropriate disciplinary procedures.

## **3 The Local Stage**

3.1 Where early resolution of the complaint is not possible, the student may invoke the Local Stage by completing a Complaint Form and submitting it to the Student Complaints Officer (0117 928 8904, internal extension 88904, email [student-complaints@bristol.ac.uk](mailto:student-complaints@bristol.ac.uk)). The Student Complaints Officer will act impartially and will be able to give advice to students about any procedural matters. Students may also obtain advice from the Students' Union as set out in section 8 of this procedure.

3.2 The Complaint Form should set out details of the complaint and state the remedy sought. Any evidence on which the complaint is based should be submitted with the Complaint Form.

3.3 On receipt of the Complaint Form the Student Complaints Officer will refer the complaint to an appropriate person for consideration at the Local Stage. In the case of complaints relating to academic matters, this will normally be the Faculty Education Manager or Faculty Education Director. Complaints about other services will be referred to an appropriate member of staff in Professional Services. In some cases, the Student Complaints Officer may be able to resolve the student's complaint without recourse to the Local Stage.

3.4 The person considering the complaint at the Local Stage may decide to meet with the student to discuss the complaint. If so, the student may bring an adviser, friend or representative to the meeting.

3.5 The outcome of consideration at the Local Stage will be conveyed to the student in writing. The University aims to complete the Local Stage within 30 days of the submission of the complaint.

#### **4 The University Stage – Complaint Review Panel**

4.1 If it has not been possible to resolve the complaint at the Local Stage or if the student remains dissatisfied with the outcome, he or she may request that the complaint is progressed to the University Stage.

4.2 The student should make the request in writing to the Student Complaints Officer within 14 days of receipt of the Local Stage outcome.

4.3 Upon receipt of the request, the Student Complaints Officer shall refer the complaint to a Complaint Review Panel. The University aims to convene the Review Panel within 30 days of the student's request to the Student Complaints Officer.

4.4 The Complaint Review Panel shall normally consist of three senior members of University staff who have had no prior involvement with the complaint. The proceedings of the Review Panel will not involve a hearing.

4.5 The Review Panel will consider the complaint and may:

- a) ask the parties to reconsider any decision not to enter into mediation;
- b) refer the matter back to the Local Stage or to another appropriate person with an instruction or recommendation for resolution. If the instruction or recommendation is not carried out, the student may refer the matter back to the Review Panel for reconsideration;
- b) dismiss the complaint, giving reasons, and issue a Completion of Procedures letter;
- c) recommend that a Council Committee be appointed to hear the complaint.

4.6 The University Secretary will appoint a clerk to the Review Panel. The role of the clerk shall be to prepare the documentation, take a note of the Panel's deliberations and advise the Panel on the applicable regulations and procedures. The outcome of consideration by the Review Panel will be conveyed to the student in writing.

#### **5 The University Stage – Council Committee**

5.1 If the Review Panel recommends that a Committee be appointed to hear the complaint, Council will appoint a Committee, which shall normally consist of three members and which may include among its members Council members, University staff who are not members of Council and persons from outside the University. At the request of the student, Council may appoint a Students' Union officer as an additional member. In the event of the Committee being divided in its view, the Chair will have a casting vote.

5.2 The University Secretary will appoint a clerk to the Council Committee. The role of the clerk is to assist the Committee by collating the evidence, preparing the documentation, making arrangements for the hearing, taking a note of the

proceedings and advising the Committee on the applicable regulations and procedures.

5.3 The clerk may on behalf of the Committee ask for written witness statements or documents such as medical certificates to be produced in advance of a hearing. The student will be entitled to see all statements and documents seen by the Committee.

5.4 The student is entitled to be present at hearings of the Committee, and to be accompanied by an adviser, friend or representative. The Students' Union employs student advisers who may be asked to act in this capacity. If a complaint is being made against a particular person, he or she is also entitled to attend hearings and to be accompanied by an adviser, friend or representative. In the event that either party is without good reason unable to attend, the hearing will either be held in that party's absence or rescheduled. If the party concerned has good reason for non-attendance the hearing will be rescheduled.

5.5 The order of any hearing will be at the discretion of the Committee, which may ask for enquiries to be undertaken and witnesses to attend. The Committee may ask questions of anyone present. The student will be given a full opportunity to state his or her case, and will be able to address the Committee at the conclusion of any evidence that has been presented.

5.6 The Committee will report to Council, setting out its findings and any recommendations, and a copy of the report will be sent to the student and to any person against whom the complaint was made.

## **6 Confidentiality**

If information is to be kept confidential, the student should make this clear to the person to whom a complaint is made. Students should understand that in exceptional circumstances it may be difficult for confidentiality to be respected, for instance where a criminal offence has been disclosed. Students should also understand that in some circumstances the demand for confidentiality may make it difficult for the University to assist them with their complaint.

## **7 Nominees**

Unless the context indicates otherwise, an Officer of the University may act through his or her nominee.

## **8 Support from the Students' Union**

The Students' Union offers support to students who are encountering difficulties, and the Union can raise issues which affect a number of students at one of the regular meetings of the University's Student Affairs Committee. The Union also provides a free and confidential student advice and representation service available at <http://www.bristolsu.org.uk/justask>.

## **9 Office of the Independent Adjudicator for Higher Education (OIA)**

If the student is still dissatisfied, he or she may take the case to the Office of the Independent Adjudicator for Higher Education, which provides an independent scheme for the review of student complaints. The OIA will consider cases only when the University's own internal complaints procedure has been exhausted. It will not intervene on matters which turn purely on academic assessment.

Further information about this scheme is available at [www.oiahe.org.uk](http://www.oiahe.org.uk).

## **10 Quality Assurance Agency for Higher Education (QAA)**

The QAA Concerns Scheme was set up to investigate concerns about how higher education providers manage their academic standards, the quality of learning opportunities, and the information that they make available about their provision. It does not resolve individual complaints against providers and is unable to provide redress or compensation to any individual submitting a complaint. However, the QAA can look at individual complaints for evidence of broader failings in the management of academic quality and standards, and where it considers that these indicate serious systemic or procedural problems, it will investigate them as concerns. The aim of an investigation by QAA under the Concerns Scheme is to safeguard and improve the overall quality of UK higher education by addressing weaknesses within a particular higher education provider. Students seeking individual redress or compensation should contact the OIA.

*Revised version approved by Council 3 July 2015.*

## **5. Student Disciplinary Regulations**

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### **1. Preliminary Matters**

#### **1.1. Authority for the Regulations**

These Regulations are made under Statute 21.11 of the University of Bristol, by which Senate has the power to provide for the discipline of the students of the University.

#### **1.2. Other disciplinary procedures**

Once disciplinary proceedings have been taken against a student under these Regulations, no disciplinary action may be taken against the student under other disciplinary rules or regulations within the University (other than professional fitness to practise procedures) for the same misconduct. For the avoidance of doubt, where disciplinary proceedings have been taken against a student under other disciplinary rules or regulations within the University (such as professional fitness to practise procedures), disciplinary action may be taken against the student under these Regulations for the same misconduct.

#### **1.3. The Vice-Chancellor may act through a nominee**

Unless the context indicates otherwise, references within these Regulations to the Vice-Chancellor shall be construed to refer either to the Vice-Chancellor or to a person or persons nominated by them to act on their behalf, usually the Pro-Vice-Chancellor (Education).

### **2. Misconduct**

#### **2.1. Right of the University to take disciplinary measures**

Any student studying or registered at the University of Bristol shall be subject to disciplinary measures if they are found to be guilty of misconduct as defined below.

#### **2.2. Definition of misconduct**

Any act or omission, whether occurring on University premises or elsewhere, which improperly interferes with the functioning or activities of the University or of those who work or study in the University, or otherwise improperly damages the University or its reputation, shall constitute misconduct under these Regulations, including but not limited to the following:

- 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, whether expressed verbally or in writing, including in electronic form;
- e. Bullying, harassment or unacceptable behaviour of any student or member of staff of the University, or any visitor to the University, on the grounds of sex, race, religion or belief, disability, sexual orientation, gender reassignment, age or other grounds;
- f. Fraud, deceit, deception or dishonesty in relation to the University or its staff, students or visitors;
- g. Cheating or plagiarism in academic course work or in examinations;
- h. Theft, misappropriation or misuse of University property, or the property of the University's staff, students or visitors, including computer misuse;
- i. Misuse or unauthorised use of University premises;
- j. Damage to University property, or the property of the University's staff, students or visitors, caused intentionally or recklessly;
- k. Action likely to cause injury or impair safety on University premises, at University organised events or on any other site associated with the University;
- l. Failure to respect the rights of others to freedom of belief and freedom of speech;
- m. Breach of the provisions of any University code, rule or regulation, including any student code of conduct;
- n. 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;
- o. Failure to comply with a reasonable instruction relating to discipline, issued by the Vice-Chancellor or the Registrar, or by a member of staff acting with the authority of the Vice-Chancellor or the Registrar.

### **3. Misconduct in student residences and in the community**

#### **3.1. Local rules and regulations**

The Deputy Registrar (Academic Services) and the Director of Residential and Hospitality Services are authorised to draw up and publish local rules and regulations for student behaviour in University residences and in the community.

#### **3.2. Breaches of local rules and regulations**

The following persons are authorised to exercise summary disciplinary jurisdiction and to impose penalties for breaches of local rules and regulations for student behaviour in University residences and in the community:



- a) The Head of Student Residential Life and the Head of Accommodation Services in respect of misconduct in accommodation in the community;

[www.bristol.ac.uk/accommodation/community](http://www.bristol.ac.uk/accommodation/community)

- b) The Head of Student Residential Life and Wardens in respect of misconduct relating to University residences;
- c) The Head of Student Residential Life in respect of misconduct in the community outside of accommodation, such as misconduct due to intoxication, violent and disorderly behaviour.

Only the persons listed above have the authority to issue formal written warnings in relation to their respective areas of responsibility.

The persons listed above will report annually at the end of each academic year to the Secretary's Office with details of all misconduct dealt with and penalties imposed under this section.

The Secretary's Office may provide guidance to assist these persons to deal with disciplinary matters within their jurisdiction.

### **3.3. Penalties for breaches of local rules and regulations**

If a student is found guilty of a breach of local rules and regulations for student behaviour in University residences and in the community, the persons described in section 3.2 of these Regulations may impose one or more of the following penalties:

- a. A written reprimand;
- b. A caution, 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), they will then be dealt with for both offences;
- c. A fine not exceeding £100;
- d. The requirement to pay a reasonable sum by way of compensation for identified and quantified loss;
- e. The requirement to give and comply with a written undertaking as to future behaviour;
- f. Exclusion, either permanently or for a specified period, from the use of a specified University service or facility (including specified residential facilities) to which the misconduct relates;
- g. The requirement to perform unpaid services for the University or local community for a maximum of 20 hours;
- h. In the case of serious misconduct, referral to a Disciplinary Committee appointed under section 7 of these Regulations, which in addition to the penalties above may exclude, suspend or expel a student;
- i. In the case of a breach or misconduct which is also a criminal offence, referral to the police.

Where the breach or misconduct is also a breach of the terms of residence of University accommodation, the student may be referred to the Director of Residential and Hospitality Services, who may take steps to evict the student.

### **3.4. Referral of cases to the Vice-Chancellor**

The following cases will be referred to the Vice-Chancellor for consideration:

1. Any second act of misconduct;
2. Any misconduct constituting a criminal offence or where a student has been arrested by the Police.

### **3.5. Right of appeal**

A student on whom a penalty is imposed under section 3.3 of these Regulations may appeal against the finding of guilt or the imposition of the penalty. Appeals must be submitted in writing to the University Secretary within fourteen calendar days of notification of the penalty. Upon receipt of the appeal, the Secretary's Office will arrange for it to be considered by a University Officer or a member of the academic staff who is also a member of Senate or a senior administrative officer not previously associated with the case. The person considering the appeal may reject the appeal and confirm the original penalty, uphold the appeal, or refer the case to a Council Committee established under the procedures set out in Section 10 of these Regulations.

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

### **4.1. Misconduct which is also a criminal offence**

The following procedures apply where alleged misconduct is reported to the Vice-Chancellor, and the misconduct, if proved, would also constitute an offence under the criminal law.

### **4.2. Offences that may be dealt with internally**

Where the Vice-Chancellor considers it appropriate, having regard to the seriousness of the alleged misconduct, the matter may be dealt with internally. If the offence is reported to the police, the Vice-Chancellor may at their discretion defer action until the police and courts have dealt with the matter.

### **4.3. Other offences**

In all other cases, no internal disciplinary action other than suspension from the University pending hearing or trial under Section 5 of these Regulations 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.

Students who are subject to a police investigation and prosecution are required to inform the University if charged with a criminal offence or once police or court involvement has come to an end and also of the outcome of the investigation or prosecution. Failure to do so may be treated as misconduct and may be dealt with under these Regulations.

#### **4.4. Offences which are not reported to the police**

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

#### **4.5. Imposition of penalty after sentence imposed by a criminal court**

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 these Regulations.

### **5. Suspension pending hearing or trial**

#### **5.1. Power to suspend**

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 from the University by the Vice-Chancellor, pending the conclusion of the disciplinary or any criminal process.

#### **5.2. Definition of suspension pending hearing or trial**

A student who is suspended from the University pending hearing or trial has restricted rights to enter University premises and to take part in University activities. 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 specified person or persons. The order of suspension shall identify the extent (if any) to which the student's status as a member of the University is affected.

#### **5.3. Orders to be made for protection only**

Orders of suspension pending hearing or trial are to be used only where the Vice-Chancellor considers it 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. Representations**

Unless the matter is deemed to be urgent by the Vice-Chancellor, no student shall be suspended pending hearing or trial unless they have been given an opportunity to make representations to the 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 adviser, friend or representative. In cases deemed to be urgent by the Vice-Chancellor, a student may be suspended with immediate effect. An opportunity will be given to the student to make representations as soon as reasonably practicable.

#### **5.5. Initial review**

A decision to suspend a student pending hearing or trial 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 their adviser, friend or representative, will be entitled to make written representations. The review will be conducted by the Vice-Chancellor and the outcome of the review will be communicated to the student.

#### **5.6. Periodic review**

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

### **6. Summary Procedure**

#### **6.1. Dismissal**

Allegations made by staff, students or members of the public of misconduct under these Regulations should be made to the University Secretary, who will refer them to the Vice-Chancellor. The Vice-Chancellor may dismiss the complaint immediately if they believe that there is no case for the student to answer, or that it is for some other reason appropriate to do so.

#### **6.2. Preliminary interview**

If the complaint is not so dismissed, the Vice-Chancellor will interview the student before any other steps are taken under these Regulations. The student will normally be made aware of the allegations before the interview. At the interview the student may be accompanied by a friend or representative. The purpose of the preliminary interview is for the Vice-Chancellor to hear the student's initial response to the allegations of misconduct. Following the preliminary interview, the Vice-Chancellor may decide to take no further steps under the disciplinary procedures in respect of the allegations, or may find that there is no case for the student to answer, and will write to the student accordingly.

### **6.3. Failure to attend a preliminary interview**

If a student fails to attend a preliminary interview without good reason for their failure to attend, the Vice-Chancellor may deal with the case summarily in the student's absence.

### **6.4. Decision to deal summarily**

If following the preliminary interview the Vice-Chancellor decides to take further action in respect of the allegations of misconduct, the following principles shall apply:

- a) If the student agrees, the Vice-Chancellor may deal with the case summarily, without recourse to a Disciplinary Committee, provided that they consider that it is appropriate to do so. The Vice-Chancellor will normally decide to deal with a case summarily only where there is an admission of guilt from the student.
- b) In all other cases the Vice-Chancellor will refer the case to a Disciplinary Committee under section 7 of these Regulations.

### **6.5. Procedure**

If the matter is dealt with summarily, the Vice-Chancellor will consider written or oral evidence as they think fit. The Vice-Chancellor will find the student guilty of misconduct if, on the balance of probabilities, they are satisfied of the student's guilt. If a finding of guilt is made, they may impose any of the penalties set out in Section 8.3 of these Regulations, other than expulsion from the University.

### **6.6. Report**

At the termination of the proceedings, the Vice-Chancellor will write a short report. In the event of a finding of guilt, the report will set out the misconduct alleged, a brief summary of evidence received, the grounds for the finding of guilt, the penalty imposed, and the factors taken into account in deciding the penalty. A copy of the report will be sent to the student. Where the misconduct relates to examinations or other assessed work the report may contain recommendations under Section 8.4 of these Regulations, and a copy of the report will also be sent to the appropriate Board of Examiners.

### **6.7. Referral to a Disciplinary Committee**

If the Vice-Chancellor does not consider it appropriate to deal with the matter summarily, or if the student does not agree to its being dealt with in that way, then it shall be referred to a Disciplinary Committee, under the procedure set out in Section 7 of these Regulations.

## **7. Disciplinary Committee**

### **7.1. Composition**

The Vice-Chancellor will appoint the members of the Disciplinary Committee, and invite one of them, who shall not be a student member, to act as its Chair. The Committee will have three or five members, at the discretion of the Vice-Chancellor. The members will normally include both a member of the academic staff of the University and a student of the University. If a student is appointed to the Committee they will usually be an officer of the Students' Union. If it is inappropriate or impractical to appoint a Union officer, the student member will be a representative on Senate. Members of the Committee may be appointed from outside the University. The Vice-Chancellor shall have regard to the need to ensure that all members of the Committee are impartial. The Disciplinary Committee should not normally include members of Council, as an appeal from a decision of the Disciplinary Committee is heard by a Committee of Council under Section 10 of these Regulations.

### **7.2. Assistance to the Committee**

The University Secretary or their nominee will act as clerk to the Committee, to give advice and to assist the Committee as it thinks fit. The Secretary will arrange for a note of the proceedings to be taken. The Committee may seek advice from a qualified lawyer.

### **7.3. Representation for the student**

The student may be present at all disciplinary hearings, and may be represented by an adviser, friend or other representative. If a student does not attend without good reason for their failure to attend, the hearing may take place in the student's absence.

### **7.4. New hearing**

The Committee will rely only on evidence presented at the hearing. The deliberations and decisions of anyone previously considering the matter shall be irrelevant for the Committee's purposes.

### **7.5. Standard of proof**

The Committee will find a student guilty of misconduct if, on the evidence before it, it is satisfied on the balance of probabilities of the student's guilt. This means that the Committee must be satisfied that, on the evidence available, the student's guilt is more likely than not.

### **7.6. Majority verdict**

If the members of the Committee cannot agree, the verdict of the Committee will be that of the majority of its members.

## **7.7. Procedure**

Subject to the provisions of these Regulations, the order of proceedings shall be at the discretion of the Committee. Members of the Committee may ask questions of any witness. The Committee may ask for additional enquiries to be undertaken, and may call for additional witnesses to attend.

## **7.8. Joint hearings**

If two or more students are involved in related misconduct, the Committee may at its discretion deal with their cases together.

## **7.9. Witness evidence**

Witness evidence presented at the hearing will normally be oral, given by witnesses appearing in person. The Committee may accept a witness's written statement in evidence where the student agrees that the witness need not attend, or where it is impracticable for the witness to attend, or where in the opinion of the Committee it is for some other reason in the interests of justice to do so.

### **7.10. Presentation of the case**

The Vice-Chancellor will appoint a member of the academic staff or a lawyer to present the allegation against the student.

### **7.11. Written allegations**

The Secretary or their nominee, on behalf of the Committee, will ask the case presenter to set out the allegation or allegations in writing in advance of the hearing. A copy will be sent to the student at least two weeks before the hearing.

### **7.12. Written witness statements in advance of the hearing**

The Secretary or their nominee, on behalf of the Committee, may call for written witness statements in support of the allegation in advance of the hearing. If such statements are obtained, members of the Committee will be entitled to see them in advance of the hearing and copies will be made available to the student and to the case presenter at least one week before the hearing.

### **7.13. Documentary evidence**

Any documentary evidence must be submitted in advance of the hearing and copies will be made available to members of the Committee and to all parties at least one week before the hearing. Evidence submitted late will only be admitted with the permission of the Committee on the advice of the Secretary.

#### **7.14. Opening and closing addresses**

The case presenter shall be entitled to address the Committee before calling witnesses, and at the conclusion of the evidence called on behalf of the student. The student, or their representative, may address the Committee before calling witnesses and after the case presenter's final address.

#### **7.15. Submission that there is no case to answer**

At the conclusion of the evidence in support of the allegation against the student, the student, or their representative, may submit that no case has been made out against the student which requires an answer. The case presenter has the right to reply. If the Committee finds on the evidence that there is no case for the student to answer, it must dismiss the allegation.

#### **7.16. Time limits**

The Committee may impose time limits on oral addresses and submissions.

#### **7.17. Witnesses in support of the allegation**

The allegation against the student will be put first. The case presenter will ask questions of each witness giving evidence in support of the allegation. These must not be leading questions. The witness may be cross-examined by the student or their representative. Witnesses may be re-examined, but concerning only those matters raised in cross-examination, for the purpose of clarification.

#### **7.18. Witnesses against the allegation**

If the case proceeds, the student may then give evidence. At the conclusion of the student's evidence they may be cross-examined by the case presenter. The student may give evidence to clarify matters raised in cross-examination. The student, or their representative, may then call further witnesses, who may be similarly cross-examined and re-examined.

#### **7.19. Recall of witnesses**

A witness may be recalled to give further evidence only with leave of the Committee.

#### **7.20. Relevance**

The Committee will refuse to admit evidence that is in its opinion irrelevant to the issues raised.

#### **7.21. Adjournments**

The Committee shall have power to adjourn a hearing to another date, as it thinks fit.



## **7.22. Report**

At the termination of the proceedings, the Chair will write a report on behalf of the Disciplinary Committee. In the event of a finding of guilt, the report will set out the misconduct alleged, a brief summary of evidence received, the grounds for the finding of guilt, the penalty imposed, and the factors taken into account in deciding the penalty. A copy of the report will be sent to the student and to the Vice-Chancellor. Where the misconduct relates to examinations or other assessed work the report may contain recommendations under Section 8.4 of these Regulations, and a copy of the report will also be sent to the appropriate Board of Examiners.

## **7.23. Vice-Chancellor's right to stop the proceedings**

The Vice-Chancellor has the power to suspend the activity of the Disciplinary Committee at any time, and to stop the proceedings against the student, if they believe it to be appropriate to do so.

# **8. Penalties**

## **8.1. Imposition of penalties**

If a student is found guilty of an allegation of misconduct, one or more penalties may be imposed by the Vice-Chancellor in the case of matters dealt with summarily, or by the Disciplinary Committee in other cases. The penalties are set out below. A student may not be expelled following an allegation heard under the summary procedure. The student or their representative shall be entitled to make representations in mitigation before the penalty is decided.

## **8.2. Matters to be considered**

When determining penalties, consideration will be given to the seriousness of the misconduct, the circumstances of the misconduct, and the means and general personal circumstances of the student.

## **8.3. Types of penalty**

A student found guilty of misconduct may be:

- a. Absolutely discharged, which means that although the student may be technically guilty of the misconduct alleged, no blame should be attached to their actions;
- b. Admonished;
- c. Cautioned, which means that no immediate punishment 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, they will then be dealt with for both offences;

- d. Conditionally discharged, which means that no immediate punishment 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 punishment may be imposed following a further hearing;
- e. Fined up to a maximum of £800. This maximum figure will be subject to periodic review by Senate;
- f. Required to write a letter of apology to a specified person or persons;
- g. Required to attend a specified course or programme and to pay the reasonable cost as determined at the relevant time by the University.
- h. Required to pay a reasonable sum by way of compensation for identified and quantified loss;
- i. Required to perform unpaid services for the University community to a maximum of 40 hours;
- j. Required to have no contact, or restricted contact, with a specified person or persons;
- k. Suspended from enjoying specified privileges for a fixed period of time;
- l. 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 does not affect the student's status as a member of the University;
- m. Suspended from the University for a fixed period of time, up to a maximum of twelve months. A student who is suspended ceases to be a member of the University for the duration of the suspension and 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;
- n. 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;

#### **8.4. Suspended Penalty**

Any of the above penalties may be suspended for a fixed period of time. If the student is found guilty of subsequent misconduct within that period the suspended penalty will immediately take effect.

#### **8.5. Additional penalties relating to misconduct in connection with examinations or other assessed work**

Where misconduct relates to examinations or other assessed work, a recommendation may be made to the appropriate Board of Examiners that it should impose one or more of the following additional penalties:

- a) Award the student lower marks than those which they would otherwise have been awarded, or award no marks, for the examination or assessed work in which the student committed the offence;
- b) Award the student lower marks than those which they would otherwise have been awarded, or award no marks, for the unit of which the examination or assessed work was part;
- c) Award the student a lower class of degree or other academic award than that which they would otherwise have been awarded;
- d) Exclude the student from the award of a degree or other academic award. This may be either permanent or for a stated period, and may be absolute or subject to compliance with stipulated requirements.

## **8.6 Recording and reporting of penalties**

If found guilty of misconduct, details of the misconduct and the penalty imposed will be sent to the student's school and faculty. A record will also be made on the student's central university file. The record will be kept on the student's files for at least one year after graduation and may be referred to for the purpose of references.

The Secretary's Office will keep a record of student misconduct and penalties imposed and will report to Senate annually.

## **9. Mental illness**

### **9.1. Adjournment for a medical report**

If it appears to those considering an allegation of misconduct that the student in question is experiencing mental illness, the proceedings may be adjourned for the preparation of a medical report.

### **9.2. Evidence of mental illness**

If there is medical evidence that the student is experiencing mental illness, those dealing with the case may suspend or terminate the proceedings, if it is felt appropriate to do so. It may be made a condition of suspension or termination of the proceedings that the student seek medical treatment.

### **9.3. Fitness to Study Policy**

If disciplinary proceedings are suspended or terminated under section 9.2, the Fitness to Study policy may be invoked and used as appropriate.

## **10. Appeals**

### **10.1. Right to appeal against a finding of guilt**

A student may appeal against a finding of guilt. The appeal must be made to the University Secretary within fourteen calendar days of the conclusion of

the proceedings. The student must set out in writing the grounds on which the appeal is based. The student is encouraged to seek assistance from the Students' Union Advice Service when preparing the letter of appeal.

The appeal will be heard by a Committee of Council constituted under the provisions set out in the Student Complaints Procedure.

#### **10.2. Nature of appeal against a finding of guilt**

There will be no entitlement to a rehearing of the case, which will be allowed only in exceptional circumstances. Those hearing the appeal may overturn the finding of guilt where they consider it just to do so. In particular, a finding may be overturned in the light of new evidence; or where it is considered that the original hearing was not conducted fairly; or where the finding of guilt was unreasonable in the light of the findings of fact. The student may present the appeal in person or in writing, and may be represented by an adviser, friend or other representative.

#### **10.3. Right to appeal against imposition of penalty**

A student may appeal against a penalty imposed following a finding of guilt. The appeal must be made to the University Secretary within fourteen days of the conclusion of the proceedings. The student must set out in writing the grounds on which the appeal is based. The appeal will be heard by a Committee of Council constituted under the provisions set out in the Student Complaints Procedure.

#### **10.4. Nature of appeal against imposition of penalty**

Those hearing an appeal against penalty may impose a lesser or greater penalty, having considered whether the original penalty imposed was fair and reasonable in the light of all the circumstances of the case, and the student's means and general personal circumstances.

*Updated June 2015*

## 6. Student Fees Regulations

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1. Payment of fees: due date
  2. Payment by instalments: Tuition fees
  3. Payment by instalments: Accommodation fees
  4. Payment by a third party
  5. Late payment of tuition or accommodation fees
  6. Difficulty with payment
  7. Payment of interest or administrative charges
  8. Reinstatement on payment of full tuition fees
  9. Early withdrawal or suspension of studies
  10. Other important information
  11. Appeal process
- 

### 1 Payment of fees: due date

Tuition fees become due on the first day of your programme of study.

Accommodation fees become due when you arrive to take up your place in University accommodation.

### 2 Payment by instalments: Tuition Fees

If you are paying your tuition fees direct to the University, you may pay the full amount in a single payment or you may make two instalment payments. The amounts and due dates of instalment payments are published in advance on the University's website.

The preferred method of payment is via the University's online payments system by direct debit or credit/debit card although cheques, bank drafts and bank transfers will also be accepted.

Students who are undertaking a modular based postgraduate programme are required to pay in advance for each module. Instalment options are not available for these programmes.

### 3 Payment by instalments: Accommodation Fees

You may choose to pay accommodation fees in full or on a termly basis. Payment may be made online (the preferred method), by direct debit or credit/debit card, or by cheque, bank draft or bank transfer. The amounts and due dates of instalment payments can be found on your Acceptance of Student Accommodation Form.

#### **4 Payment by a third party**

If your fees are to be paid by the Student Loans Company or by a sponsor such as an Embassy, please ensure that all information is available to enable the appropriate invoices to be raised and for your sponsor to make payment on your behalf. It is your personal responsibility to ensure that your fees are paid.

#### **5 Late payment of tuition or accommodation fees**

If you become aware that your payment will be late, you must contact the Income Office to explain the position. If you are in genuine difficulty with payment, an authorised member of the Income Office will try to agree a plan of payment with you that you can afford.

If you fail to submit a payment plan or if your payment plan method fails, you will be contacted within two weeks of the expected payment date and asked to make immediate payment by another method. If this payment method also fails, you will normally be charged an administration fee.

If you fail to provide the University with a satisfactory response in the circumstances described above you will be sent a formal letter requesting that you contact the University Credit Control and Payables Manager ('the Credit Control Manager'). Your Faculty Office and academic school(s) will also be notified.

If you fail to respond, or if after contacting the Credit Control Manager you are unable to provide an acceptable payment plan, the University reserves the right to terminate your studies in the case of unpaid tuition fees or to require you to leave your accommodation in the case of unpaid accommodation fees. The University will then put any debt outstanding in the hands of a debt collector. Any additional costs incurred will be added to your account.

Students who continue to be in debt to the University for tuition fees at the end of the academic year will not be permitted to register for the following year of their programme until either the debt has been cleared or specific arrangements have been agreed with the Credit Control Manager for the settlement of the debt.

Members of the Student Funding Office can provide advice on additional funding that may be available to assist you.

#### **6 Difficulty with payment**

If you are experiencing difficulties in paying tuition or accommodation fees you should seek help at the earliest possible opportunity. Initially you should approach staff in the Student Funding Office. They will be able to provide general advice as well as information about any additional funding that may be available. You may also wish to speak to a personal tutor, hall warden or the Students' Union for support and advice. It is important to keep the Income Office informed of developments (see above). The University will be

sympathetic and assist where it can. However, in order to maintain the quality of teaching for everyone else, the University must act to recover debts.

### **7 Payment of interest or administrative charges**

You will become liable to pay interest at 2.5% above UK clearing bank base rate per annum on the amount outstanding where payments are outstanding against your payment plan. Interest will run from the due date to the date when the fees are paid.

The Finance Office will review the student related debt ledger throughout the year and apply interest on a consistent basis annually.

An administration charge will normally be raised where your chosen method of payment is declined more than once. This will apply to each payment date.

### **8 Reinstatement on payment of full tuition fees**

If you have been required to leave the University for non-payment of tuition fees, registration on your programme of study may be reinstated on payment in full of outstanding tuition fees before the end of the academic year in question. However, if you are consequently behind with your studies, you may have to repeat parts of the programme, thereby incurring further fees.

### **9 Early withdrawal or suspension of study**

If you leave your programme of study early or suspend your studies for a significant period, claims for refunds of tuition fees may be made. Students are entitled to a full refund if a claim is made within the first four weeks of the start of the programme. Thereafter, any claims for a refund will be prorated on a weekly basis for undergraduate students and a monthly basis for postgraduate students. This includes all categories of students and sponsors including all undergraduates in receipt of a tuition fee loan. There is further information on tuition fees at [www.bristol.ac.uk/fees-funding/tuition-fees](http://www.bristol.ac.uk/fees-funding/tuition-fees).

If you leave your University accommodation early, the sum for which you are liable is set out in the Student Residence Conditions.

### **10 Other important information**

- a. Students with debts relating to tuition or accommodation fees, to library, car parking or disciplinary fines, or any other outstanding debts to the University, will be required to attend an interview with the Credit Control Manager to discuss these debts and make specific arrangements for their settlement.
- b. Students with tuition fee debts outstanding at the close of business seven days after the last day of the University summer term will not be permitted to graduate in the summer ceremony.
- c. Students with tuition fee debts outstanding at the close of business seven days after the last day of the University autumn term will not be permitted to graduate in the winter ceremony.

- d. A degree certificate will not be provided to any student who has tuition fees outstanding.

For the purposes of these Regulations, "tuition fees" includes tuition fees, bench fees and writing up fees.

## 11 Appeal process

If you are unhappy about any matter relating to fee levels or payments you should in the first instance contact the Income Office Manager, who is based in Senate House. If the matter remains unresolved, you may bring a complaint under the University's Student Complaints Procedure.

(see <http://www.bris.ac.uk/secretary/studentrulesregs/complaints.html>).

### Contacts

Student Funding Office	<a href="mailto:student-funding@bristol.ac.uk">student-funding@bristol.ac.uk</a>	0117 331 7972
Income Office	<a href="mailto:student-fees@bristol.ac.uk">student-fees@bristol.ac.uk</a>	0117 331 7721
Credit Control Manager		0117 928 7908
Student Complaints Officer	<a href="mailto:student-complaints@bristol.ac.uk">student-complaints@bristol.ac.uk</a>	0117 928 8904

*Principles approved by Council 10 May 2000. Last updated August 2014.*



# Academic Matters

## 7. Examination Regulations

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1. Nominees
2. Conduct of formal examinations
3. Other assessed work
4. Procedure for cases of cheating and plagiarism in undergraduate and taught postgraduate programmes of study (including any taught component of a professional or other doctoral degree)
5. Procedures for cases of plagiarism in a thesis submitted for a research degree
6. Students taking University of Bristol assessment, but not in attendance at the University
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9. Guidance on the procedures
10. Extenuating Circumstances
11. Appeal against a decision of a Board of Examiners

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### 1 Nominees

Unless the context indicates otherwise, under these regulations a University officer or the chairman of a board of examiners may act through his or her properly appointed nominee.

### 2 Conduct of formal examinations

#### 2.1 Attendance

Failure to attend an examination without reasonable cause may result in the award of no marks for that examination. It is the responsibility of the student to be aware of the details of the examination timetable. If a student fails to attend as the result of illness, he or she should obtain a medical certificate from a qualified medical practitioner as soon as reasonably practicable, and submit it forthwith to the chair of the board of examiners and copied to the appropriate faculty office.

#### 2.2 Entering the examination room

Candidates may not normally enter the examination room to sit a written examination nor undertake the written examination in any other location after it has been in progress for more than thirty minutes. Late candidates will be referred to their home school for advice on the next course of action.

### **2.3 Leaving the examination room**

No candidate may leave the examination room within thirty minutes of the beginning of the examination, save in exceptional circumstances, and with the permission of the invigilator. In order to avoid disturbing other candidates, candidates may not leave the examination room during the last fifteen minutes of the examination, save in exceptional circumstances, and with the permission of the invigilator. If a student leaves an examination because of illness, he or she should obtain a medical certificate from a qualified medical practitioner as soon as reasonably practicable, and submit it forthwith to the chair of the board of examiners and copied to the appropriate faculty office.

### **2.4 Supervised absence**

No candidate may leave and return to the examination room during an examination unless supervised by an invigilator while absent.

### **2.5 Communication during the examination**

Unless an invigilator has given permission otherwise, during the course of the examination a candidate may communicate with no other person but the invigilator.

### **2.6 Permitted items and texts**

A candidate may take to his or her desk only those items and texts that are permitted for the examination he or she is sitting. It is the responsibility of the student's faculty or school to provide guidance to students about items, for example calculators, they may take into examinations and the responsibility of the student to establish which items and texts are permitted. Such guidance should be provided in a format and location easily accessible to the student, including in student handbooks or on school websites and should indicate to students the circumstances in which it is likely they will be granted permission and the types of materials they may be allowed to use. All bags, mobile phones, personal organisers and similar electronic devices must not be taken to the examination desk, but must be deposited elsewhere, as instructed by the invigilator.

If the usual practice of the faculty or school is to allow students who do not have English as a first language to use a translation dictionary during written examinations, then the school should ensure that an "Authorisation for the use of dictionaries in examinations" form is completed and signed by the Head of School or nominee for each student. Where a student is studying across schools then the form should be signed by the Head of School for each of their units. This form should be returned to the student and it **MUST** be displayed on the examination desk when a dictionary is being used. Failure to display the authorisation will result in the confiscation of the material. All dictionaries used in examinations will be checked for annotations and markings and any dictionary deemed to contravene regulations will be removed from the student.

## **2.7 Distracting behaviour**

Candidates may not smoke during an examination, nor behave in any way which is distracting to other candidates. A candidate who ignores a request from an invigilator not to behave disruptively may be required to leave the examination room. The candidate's examination scripts will be submitted to the board of examiners as they were at the time when the candidate was required to leave. The invigilator will annotate the scripts with the time at which the candidate left, and submit a report to the chair of the board of examiners.

## **2.8 Examination scripts**

It is the responsibility of the candidate to ensure that all his or her scripts are appropriately marked with an identifying name and number. No candidate may remove an examination script from the examination room. No candidate may remove any other examination materials without permission.

A school may invite a candidate to transcribe or dictate an illegible script. Any transcription or dictation must be verbatim, and the student should be asked to sign the transcript to confirm that it is a true copy of the original script. The transcription or dictation will be treated as part of the formal examination process. Schools may also invite the student to undertake an oral examination.

## **2.9 Cheating**

Cheating in an examination will be dealt with as a disciplinary offence under these regulations.

In particular it is a disciplinary offence for a candidate to:

- a. Have unauthorised items or texts at his or her desk in the examination room during the examination
- b. Make use of unauthorised items or texts during the examination
- c. Copy from the script of another candidate during the examination
- d. Dishonestly receive help from another person during the examination
- e. Dishonestly give help to another person during the examination
- f. Act dishonestly in any way, whether before, during or after the examination, so as to obtain an unfair advantage in the examination
- g. Act dishonestly in any way, whether before, during or after the examination, so as to assist another candidate to obtain an unfair advantage in the examination.

## **2.10 Suspicion of cheating during the examination**

Should a candidate be suspected of cheating during the examination, the invigilator will confiscate any unauthorised material, indicate on the candidate's script that it has been confiscated due to suspected cheating, and remove the script. The candidate will then be given further examination books and permitted to complete the examination. The invigilator will seek an explanation from the candidate at the end of the examination, and submit an incident report to the

University Examinations Officer who will notify the chair of the school board of examiners from the student's home school.

### **3 Other assessed work**

#### **3.1 Work must be that of the student**

Any thesis, dissertation, essay, or other coursework must be the student's own work and must not contain plagiarised material. Any instance of plagiarism in such coursework will be treated as an offence under these regulations.

#### **3.2 Plagiarism**

Plagiarism is the unacknowledged inclusion in a student's work of material derived from the published or unpublished work of another. This constitutes plagiarism whether it is intentional or unintentional. "Work" includes internet sources as well as printed material. Examples include:

- Quoting another's work "word for word" without placing the phrase(s), sentence(s) or paragraph(s) in quotation marks and providing a reference for the source.
- Using statistics, tables, figures, formulae, data, diagrams, questionnaires, images, musical notation, computer code, etc., created by others without acknowledging and referencing the original source. This list is not intended to be exhaustive.
- Summarising or paraphrasing the work or ideas of another without acknowledging and referencing the original source. "Paraphrasing" means re-stating another author's ideas, meaning or information in a student's own words.
- Copying the work of another student, with or without that student's agreement.
- Collaborating with another student, even where the initial collaboration is legitimate, e.g., joint project work, and then presenting the resulting work as one's own. If students are unclear about the extent of collaboration which is permitted in joint work they should consult the relevant tutor.
- Submitting, in whole or in part, work which has previously been submitted at the University of Bristol or elsewhere, without fully referencing the earlier work. This includes unacknowledged re-use of the student's own submitted work.
- Buying or commissioning an essay or other piece of work and presenting it as a student's own.

#### **3.3 Avoidance of plagiarism**

Schools will, where necessary, provide further discipline-specific definitions of plagiarism and guidance on how to avoid it, including advice on proper referencing practice. However, it remains the responsibility of the individual

student to familiarise him- or herself with these guidelines and to avoid plagiarism.

### **3.4 Cases of bad academic practice**

In some cases a marker may be unsure whether irregularities in a piece of work constitute minor plagiarism or simply poor academic practice. In this case he or she should consult the chair of the school board of examiners for the student's programme of study. The chair will decide whether the case can be handled solely through school tutorial/student guidance processes or whether the procedure outlined in sections 3.5 and 4 should be followed. If the former, a file note should be kept in the school of the advice given to the student for future reference.

### **3.5 Suspicion of plagiarism**

Should a candidate be suspected of plagiarism, the principal marker of the work will notify the chair of the school board of examiners for the student's programme of study, providing a brief written report outlining the allegation and copies of both the assessed work in question and the sources that are believed to have been plagiarised, annotated as necessary.

## **4 Procedure for cases of cheating and plagiarism in undergraduate and taught postgraduate programmes of study (including any taught component of a professional or other doctoral degree)**

### **4.1 Responsibility for handling allegations of cheating and plagiarism**

Initial responsibility for handling plagiarism and examination cheating allegations in undergraduate and taught postgraduate programmes of study rests with the chair of the school board of examiners from the student's home school.

### **4.2 Initial assessment of cases of cheating and plagiarism**

The chair of the school board of examiners will decide, in consultation with the undergraduate or graduate education director of the faculty, and using the criteria listed in section 8, whether the case appears minor and can be handled at school level or more significant, requiring involvement from the faculty. The chair, in consultation with the undergraduate or graduate education director, will also decide whether or not to investigate examination scripts or pieces of work previously submitted by the student.

### **4.3 Minor cases – student interview**

If the alleged offence of cheating or plagiarism is considered to be minor, the chair of the school board of examiners will notify the student in writing and interview him/her with the school examinations officer or other appropriate member of the school. The student will be informed in the letter of the pieces of work under consideration.

The student may be accompanied at the interview by an adviser, friend or other representative. Notes will be taken of the interview and subsequently agreed with all parties. Where the allegation relates to an assessment from outside the student's home school, the chair of the home school board of examiners will involve a relevant member of staff from the other school in the interview and in making the penalty recommendation or may delegate responsibility for the interview to the chair of the school board of examiners responsible for the unit. In the latter case, the interview panel will include a member of staff from the student's home school.

#### **4.3.1 Disposal by the School Board of Examiners**

The decision as to penalty will normally be made by the school board of examiners. Following the interview, the chair of the school board of examiners will make a written recommendation as to the penalty, from those listed in section 4.3.2, to the full board. This recommendation will set out the misconduct admitted, a brief summary of the evidence received, the penalty recommended, and the factors taken into account in recommending the penalty. A copy of the recommendation will be sent to the student. It will be permissible to reach agreement as to penalty with the full board of examiners by correspondence if it is some time until its next meeting. If there is disagreement as to the penalty a full meeting will be required.

If the interview panel considers that the matter should be dealt with under student disciplinary regulations, it may, in place of a report to the board of examiners, make a recommendation to the Vice-Chancellor to this effect. Examination offences which disclose gross dishonesty, such as substantial and premeditated attempt to gain unfair advantage, or cases in which the candidate and the interview panel are not able to agree an account of the incident, are appropriately dealt with under student disciplinary regulations. See section 7.

#### **4.3.2 Powers of the School Board of Examiners in minor cases**

On receipt of the recommendation of the chair of the school board of examiners, the board of examiners may:

- a. Impose no penalty beyond recording the case on the student's school file for future reference;
- b. Disregard the original mark for the examination or piece of assessed work and require submission of an equivalent piece of work. The full mark range may be used for the new piece of work;
- c. Disregard the original mark for the examination or piece of assessed work and require submission of an equivalent piece of work. The mark for the new piece of work will be capped at the minimum pass mark;
- d. Award the student lower marks than those which he or she would otherwise have been awarded, or award no marks, for the examination or assessed work in which the student committed the offence without the opportunity to submit another piece of work.

This will be the maximum penalty for cases of minor cheating or plagiarism. The school examination board will take explicit account of the impact of this penalty on the student's credit points and, where applicable, degree classification and whether this impact is proportionate to the offence.

The penalty will depend on the seriousness of the offence, using the criteria listed in section 8. It will normally be assumed that mitigating circumstances will have been raised by the student in advance of the examination or submission. However, any exceptional mitigating circumstances will be taken into account when determining the penalty.

If, exceptionally, the school board of examiners feels that there are circumstances about the case that were not apparent at the time of the initial assessment by the chair of the board, and which might affect the route for consideration of the case, they may seek advice from the faculty board of examiners as to the appropriate course of action.

The student will have the usual right of appeal against a decision of the board of examiners.

### **4.3.3 Recording the penalty**

Brief details of the allegation and penalty will be recorded in the minutes of the school board of examiners, with a copy kept on the student's school file. Cases and penalties will be reported to the faculty board of examiners annually. Copies of the resulting minutes of the faculty board of examiners will be sent to the Academic Registrar who will keep a central record of plagiarism and examination cheating cases and report them annually to Education Committee. Cases of minor plagiarism need not be mentioned in student references.

## **4.4 Serious cases**

If the alleged offence of cheating or plagiarism is considered by the chair of the school board of examiners, in consultation with the undergraduate or graduate education director of the faculty, to be more serious than should be handled at school level, taking into account the criteria listed in section 8, the chair of the school board of examiners will notify the student in writing that the case will be referred to the chair of the faculty board of examiners.

The student will also be informed, at this stage, whether any other examination scripts or pieces of work are under consideration.

### **4.4.1 Student interview**

A panel of three members of the faculty board of examiners (which will normally include a member of the student's home school examination board), selected by the chair, will interview the student. It may be appropriate also to involve a representative from the school responsible for the unit in which the irregularity has occurred, if this is not the home school. The student may be accompanied at the interview by an adviser, friend or other representative. The faculty manager or faculty education manager will attend to provide advice on

regulations. Notes will be taken of the interview, which will subsequently be agreed with all parties. Where the chair of the faculty board of examiners is from the student's home school an alternative member of the board shall be nominated to chair.

#### **4.4.2 Recommendation to the School Board of Examiners**

The decision as to penalty will normally be recommended by the faculty interview panel, initially, to the board of examiners of the student's home school. This recommendation, taken from those listed in 4.4.3, will set out the misconduct admitted, a brief summary of the evidence received, the penalty recommended, and the factors taken into account in recommending the penalty. A copy of the recommendation will be sent to the student by the chair or secretary of the school board of examiners together with an explanation of the next steps in the process and the likely timescales. It will be permissible for the school board of examiners to consider this recommendation by correspondence if it is some time until its next meeting.

If the interview panel considers that the matter should be dealt with under student disciplinary regulations, it may, in place of a recommendation to the board of examiners, make a recommendation to the Vice-Chancellor to this effect. Examination offences which disclose gross dishonesty, such as substantial and premeditated attempt to gain unfair advantage, or cases in which the candidate and the interview panel are not able to agree an account of the incident, are appropriately dealt with under student disciplinary regulations. See section 7.

#### **4.4.3 Powers of the Faculty Board of Examiners**

On receipt of the recommendation of the interview panel, the school board of examiners may advise the faculty board of examiners to:

- a. Impose no penalty beyond recording the case on the student's school file for future reference;
- b. Disregard the original mark for the examination or piece of assessed work and require submission of an equivalent piece of work. The full mark range may be used for the new piece of work;
- c. Disregard the original mark for the examination or piece of assessed work and require submission of an equivalent piece of work. The mark for the new piece of work will be capped at the minimum pass mark;
- d. Award the student lower marks than those which he or she would otherwise have been awarded, or award no marks, for the examination or assessed work in which the student committed the offence without the opportunity to submit another piece of work;
- e. Award the student lower marks than those which he or she would otherwise have been awarded, or award no marks, for the unit of which the examination or piece of assessed work was part;



- f. Award the student lower marks than those which he or she would otherwise have been awarded, or award no marks, for the year of study;
- g. Award the student a lower class of degree or other academic award than that which he or she would otherwise have been awarded;
- h. Award a lower qualification than that for which the student was registered;
- i. Exclude the student from the award of a degree or other academic award, which may be either permanent or for a stated period, and may be absolute or subject to compliance with stipulated requirements; the award of a lower qualification may or may not be offered.

If the advice from the school examination board to the faculty examination board is not in line with that originally made by the faculty interview panel, the school examination board must explain the reasons for the change in their report to the faculty examination board and must also notify the student of their decision.

The penalty will depend on the seriousness of the offence, using the criteria listed in section 8. It will normally be assumed that mitigating circumstances will have been raised by the student in advance of the examination or submission. However, any exceptional mitigating circumstances will be taken into account when determining the penalty.

The school and faculty examination board will take explicit consideration of the impact of the penalty on the student's credit points and, where applicable, degree classification and whether this impact is proportionate to the offence.

The student will have the usual right of appeal against a decision of the board of examiners.

#### **4.4.4 Recording the penalty**

Brief details of the allegation and penalty will be recorded in the minutes of the school and faculty board of examiners, with a copy kept on the student's school file. Copies of the resulting minutes of the faculty board of examiners will be sent to the Academic Registrar who will keep a central record of plagiarism and examination cheating cases and report them annually to Education Committee. Cases of cheating or serious plagiarism should normally be mentioned in student references.

### **5 Procedures for cases of plagiarism in a thesis submitted for a research degree**

Transferred to Annex 8 of the Regulations and Code of Practice for Research Degree Programmes with effect from the academic year 2014/15.

## **6 Students taking University of Bristol assessment, but not in attendance at the University**

All the above regulations will apply to students not in attendance at the University, including distance learning students, students on a year abroad, or international students who have temporarily returned home. In these circumstances it may be appropriate to replace the interview with written correspondence or a conference call with the student.

## **7 Disposal under Student Disciplinary Regulations**

**7.1** If the interview panel considers that the matter should be dealt with under student disciplinary regulations, it may, in place of a report to the board of examiners, make a recommendation to the Vice-Chancellor, through the University Secretary, to this effect. Examination offences which disclose gross dishonesty, such as substantial and premeditated attempt to gain unfair advantage, or cases in which the candidate and the interview panel are not able to agree an account of the incident, are appropriately dealt with under the Student Disciplinary Regulations.

**7.2** Where an offence of plagiarism or other examination offence has been referred under these Regulations to be dealt with under the Student Disciplinary Regulations, the Board of Examiners may not impose any penalty under these Regulations in place of or in addition to the penalty or penalties that the Board is directed to implement under the Disciplinary Regulations in respect of that offence.

## **8 Factors to be taken into account when deciding whether to use the procedures for minor or serious cases for undergraduate and taught postgraduate students**

- a. The student's year of study. First year cases will normally be considered minor. Finalist and taught masters student cases will normally be considered serious;
- b. Whether this is a first or subsequent offence;
- c. The extent and significance of the plagiarism in the piece of work. Plagiarism accounting for less than 30% of the piece of work and where there is evidence of independent argument and thought might reasonably be classed as minor;
- d. Whether the assessment contributes significantly to the student's progress or degree classification;
- e. Examination cheating should normally be handled under the "serious" procedures.

## **9 Guidance on the Procedures**

Guidance and advice on the implementation of the cheating and plagiarism regulations will be available from the Academic Registrar.

## 10 Extenuating Circumstances

### 10.1 Procedure for consideration of extenuating circumstances in taught programmes

Boards of examiners shall establish a committee (which will meet before the Board of Examiners meets) to consider any relevant matters, for example personal matters such as illness or bereavement that may have affected a student's performance in assessment (see the Regulations and Code of Practice for Taught Programmes).

### 10.2 Evidence

If a student wishes a board of examiners to take any such matters into account, he or she must complete and submit the relevant form **before** the meeting of the board at which the student's performance in assessment is to be considered (for details of the procedure see the Regulations and Code of Practice for Taught Programmes). A written record must be kept of such matters. Any such matters which could have been raised before the meeting of the board, but, without good reason, were not raised, will not be considered in the event of an appeal.

The committee may require a student to submit such other evidence as it deems necessary to substantiate any matter raised by the student. If a student wishes to submit personal information (including medical records) relating to a living family member or other third party, they must gain that person's consent before disclosing such information to the University.

### 10.3 Extenuating circumstances in research degree programmes

The treatment of extenuating circumstances in research degree programmes is set out in the Regulations and Code of Practice for Research Degree Programmes.

## 11 Appeal against a decision of a Board of Examiners

A student may not have a degree or other academic qualification conferred at a graduation ceremony until all his or her outstanding examination or assessment appeals have been resolved. If the degree or other qualification has already been conferred, whether the student has attended the graduation ceremony in person or not, no appeal will be considered.

### 11.1 Right to appeal

A student registered on a taught (undergraduate or postgraduate) programme may make an academic appeal against an appealable decision made by one of the following (referred to in this Regulation as a "board of examiners"):

- a. A faculty board of examiners (including a faculty progress committee or equivalent)

b. A school board of examiners in relation to a case of minor plagiarism.

A postgraduate research student may make an academic appeal against an appealable decision made by any of the following (also referred to in this Regulation as a “board of examiners”):

a. The University Research Degrees Examination Board

b. The Dean of the relevant faculty, on the recommendation of a registration review panel

c. An upgrade or progression panel

An academic appeal is a request for a review of a decision of an academic body charged with making decisions on student progress, assessment and awards.

An appealable decision is a decision in respect of:

a. An examination or other form of assessment

b. A student’s progress, including a decision in respect of a suspension or a requirement to withdraw from the University

c. In the case of a research postgraduate student, a decision by a Dean relating to termination or change of registration

d. A penalty imposed for a cheating or plagiarism offence dealt with under these Regulations.

No student shall be treated less favourably as a result of bringing an academic appeal under this procedure.

### **11.2 Permissible grounds of appeal**

Appeals may only be made on the basis of one or more of the following permissible grounds:

1. There has been a material irregularity in the decision making process sufficient to require that the decision can be reconsidered.

For example:

a. the assessment and subsequent decision making process were not conducted in accordance with the relevant regulations;

b. an adverse decision has been taken because of an administrative error;

c. the student has not been given the opportunity to draw relevant matters to the attention of the board of examiners; and/or

d. appropriate account was not taken of illness or other extenuating circumstances known to the board of examiners.

2. A student's performance in assessment has been affected by illness or other factors which the student was unable, for good reason, to divulge before the meeting of the board of examiners (see section 10 of these Regulations).

3. A penalty for cheating or plagiarism, imposed under the examination regulations by the school or faculty is wrong or disproportionate. For the avoidance of doubt, there is no right of appeal under these Regulations in respect of a penalty or penalties imposed under the Student Disciplinary Regulations and implemented by the board of examiners on the direction of the Vice-Chancellor or a Disciplinary Committee.

### **11.3 Grounds of appeal that are not permissible**

1. Disagreement with the academic judgment of the board of examiners will not constitute a ground for appeal.

2. No appeal will be considered if it raises for the first time issues concerning the supervision or teaching of a student. Such matters will only be considered if they have been raised by the student promptly, at the time they first arose and pursued under the Student Complaints Procedure.

### **11.4 The Appeal Process**

The appeal process has two stages:

i The Local Stage

ii The University Stage.

Those hearing the appeal at either stage will not attempt to re-examine the student, nor to appraise professional academic judgments, but will consider whether the decision made was fair and reasonable in all the circumstances of the case, and whether all relevant factors were taken into account.

Appeals should be resolved at the earliest possible stage and with minimum formality. The University Stage of the process may only be invoked if the student has pursued the appeal through the Local Stage and remains dissatisfied with the outcome.

### **11.5 The Appeal Form**

In order to start the appeal process, the student must complete the Appeal Form and submit it to the Faculty Education Manager within 15 working days of the notification of the appealable decision to the student after the meeting of the board of examiners. An extension of this time limit will be allowed, by the University Secretary, only in exceptional circumstances.

The Appeal Form must set out:

- a. the reason(s) for the student's dissatisfaction with the appealable decision;
- b. the student's grounds for appeal; and
- c. the outcome sought by the student.

All the evidence on which the student seeks to rely **must** be submitted with the Appeal Form unless there are good reasons why this is not possible.

The student is encouraged to seek assistance from the Students' Union Advisory Service (at: [ubu-justask@bristol.ac.uk](mailto:ubu-justask@bristol.ac.uk)) when preparing the Appeal Form.

### **11.6 The Local Stage**

On receipt of the completed Appeal Form and any accompanying evidence, the Faculty Undergraduate or Graduate Education Director (as appropriate) will review the appeal on behalf of the Dean of the Faculty (who may also act in person if he or she considers it appropriate) with a view to considering whether the appeal can be resolved at the Local Stage.

In the case of an appeal by a postgraduate research student against a decision of the Research Degrees Examination Board, the Faculty Education Manager will forward the Appeal Form and any accompanying evidence to the Pro Vice-Chancellor (Education) who will review the appeal at the Local Stage.

Students may be invited to attend a meeting at the Local Stage to provide further information about their appeal. If invited to attend, the student may bring an adviser, friend or representative to the review meeting. The Faculty Education Manager (or in the case of an appeal against a decision of the Research Degrees Examinations Board another appropriate person) will provide administrative support.

Appeals must be considered under all applicable permissible grounds, whether or not specified by the student in the Appeal Form.

If the person reviewing the appeal considers that the appeal can be resolved at the Local Stage, he or she may take such action to resolve the appeal as is fair and reasonable in all the circumstances of the case, including but not limited to any or all of the following:

- a. refer the student's extenuating circumstances to be reconsidered by a committee under section 10 of these Regulations, if the person reviewing the appeal considers that insufficient weight was given to the student's circumstances by the committee;
- b. allow the student to submit late evidence of extenuating circumstances, if the person reviewing the appeal considers that the student had good reason for his or her failure to submit the evidence at the appropriate time;

- c. refer the appealable decision for reconsideration by the board of examiners, with or without a recommendation as to the outcome of such reconsideration;
- d. where the person reviewing the appeal considers it appropriate, vary the appealable decision without referring it to the board of examiners and report the variation to the board of examiners.

If the person reviewing the appeal does not consider that the appeal can be resolved at the Local Stage the student may request that the appeal be progressed to the University Stage under section 11.7.

The Local Stage will normally be dealt with and the student informed, in writing, of the outcome of the review and the reasons for the decisions made, within 25 working days of the Appeal Form being submitted to the Faculty Education Manager (or, in the case of an Appeal Form which has been submitted out of time, within 25 working days from the date of notification, to the Faculty Education Manager, of the University Secretary's decision to allow an extension of time for submission of the appeal).

### **11.7 Progression to the University Stage**

If the student remains dissatisfied with the outcome of the Local Stage, or has not received the Local Stage decision by the prescribed time limit set out in section 11.6 above, he or she may request that the appeal is progressed to the University Stage. The student should make the request in writing to the Student Complaints Officer (at [student-complaints@bristol.ac.uk](mailto:student-complaints@bristol.ac.uk)) within five working days of the Local Stage decision or, if earlier, the expiry of the prescribed time limit. Upon receipt of the written request to progress to the University Stage, the Student Complaints Officer will obtain the Appeal Form and supporting evidence from the Faculty Education Manager, together with all of the evidence considered at the Local Stage and a copy of any decision letter sent to the student. If the Student Complaints Officer considers that further information from the student, school or faculty is required in order for the appeal to be considered, he or she may call for such information and this must be provided promptly.

The Student Complaints Officer may invite the student to respond to the Local Stage decision. If substantive new information is provided by the student after the Local Stage decision has been made, the Student Complaints Officer will normally refer this information back to the Local Stage for consideration before referring the appeal to the University Stage. Where appropriate, the Student Complaints Officer may also intervene to suggest a resolution of the appeal before referring it to the University Stage.

Upon receipt of the Appeal Form and other documentation from the Local Stage, the Student Complaints Officer shall refer the student's appeal to a Review Panel for consideration.

## **11.8 Appeal Review Panel**

The Review Panel shall normally consist of three members of the academic staff who have had no prior involvement with the appealable decision or the Local Stage.

The proceedings of the Review Panel will not involve a hearing. The Review Panel may call for additional information from the student, school or faculty, which must be provided promptly. The Review Panel will consider the Appeal Form and other evidence and may:

- a. refer the matter back to the faculty (or in the case of postgraduate research students, to the Pro Vice-Chancellor (Education)) for reconsideration with, or without, a recommendation for resolution. If following reconsideration at the Local Stage the original decision is not altered, the student may request that the matter be further reviewed by the Review Panel. If the original decision is altered, but the outcome is not acceptable to the student, the student may request that the new decision is referred to the Review Panel for further review, unless the new decision results in an outcome requested by the student in the Appeal Form, in which case there shall be no further right of appeal;
- b. dismiss the appeal, giving reasons, and issue a Completion of Procedures letter; or
- c. recommend that a committee be appointed by Council to hear the appeal.

A decision by the Review Panel that the student has provided a good reason for failure to submit extenuating circumstances at the appropriate time shall be binding.

Recommendations by the Review Panel should normally be followed, unless based on inaccurate information or a manifest misunderstanding of the facts of the case. If after reconsideration at the Local Stage, a recommendation is not followed, evidence of the reconsideration must be provided and reasons given for the decision not to follow the Review Panel recommendation.

## **11.9 Council Committee**

If the Review Panel recommends that a committee be appointed to hear the appeal, Council will appoint a committee which shall normally consist of three members, including at least one academic member of Council or member of Senate, and which may include among its members University staff who are not members of Council. At the request of the student, Council may appoint a student sabbatical officer as an additional member. In the event of the Committee being divided in its view, the chair will have the casting vote. Wherever possible the Committee should include at least one member of the same gender as the student.



### **11.10 Clerk**

The University Secretary will appoint a clerk to the Appeal Review Panel and to the Council Committee. The role of the clerk is to assist the Panel or Committee by collating the evidence, preparing the documentation, making arrangements for the hearing, taking a note of the proceedings and advising the Panel or Committee on the relevant regulations and procedures. The clerk may, on behalf of the Panel or Committee, ask for written witness statements or documents such as medical certificates to be produced. The student, the school and the faculty will be entitled to see all statements and documents seen by the Panel or Committee.

### **11.11 Nature of hearing**

The Committee will decide its own procedure. The student may present his or her appeal in person or in writing as he or she chooses. Witnesses may be asked to give evidence.

### **11.12 Representation**

The student may be accompanied at the appeal hearing by an adviser, friend or representative for support or representation. The Students' Union employs student advisers who may be asked to act in this capacity. In the event that the student fails to attend, without good reason, the hearing may be held in the student's absence. If the student has a good reason for not attending, the hearing will be rescheduled.

### **11.13 Time limits**

The University will normally comply with the following time limits:

- a. the Local Stage will be completed within 25 working days of receipt of the student's Appeal Form. Where the Local Stage has involved a meeting with the student, the Local Stage decision will be issued to the student within five working days of the meeting (these five days being included within the 25 day limit set out above);
- b. The Appeal Review Panel will meet within 25 working days of the student's request for progression to the University Stage;
- c. The Council Committee hearing will be arranged as soon as is practicable after the Review Panel's recommendation that a Committee be appointed. The Committee's report will normally be issued within 10 working days of the hearing.

If the University is unable to meet these time limits it will inform the student of the reasons for the delay.

If at any time during the appeal procedure, the student fails to pursue the appeal or to respond to enquiries in a timely manner without good reason, the

University Secretary may after a delay of more than 20 working days on the part of the student, determine that no further action should be taken in respect of the appeal and that the appeal procedure is concluded.

#### **11.14 Nominees**

Unless the context indicates otherwise, under these Regulations an Officer of the University or other designated member of staff may act through his or her nominee.

#### **11.15 Report to Senate and Council**

The Council Committee will report to Council, setting out, in summary, the grounds of the appeal, the evidence received, the Committee's findings and any recommendations or instructions to be made by Council to the board of examiners. A copy of the report will be sent to the student and to the Faculty (via the Faculty Education Manager) or to the Chair of the Research Degrees Examination Board, as appropriate. The Student Complaints Officer will present an annual report on appeals under these regulations to both Senate and Council and will inform the Pro Vice-Chancellor (Education) of any general recommendations made by Council Committees during the year.

#### **11.16 Powers of Council**

On receipt of the report of the Committee, Council may refer the matter back to the faculty (or the Research Degrees Examination Board, as appropriate) with a recommendation or instruction to the relevant board to amend its original decision.

#### **11.17 Office of the Independent Adjudicator for Higher Education (OIA)**

The OIA provides an independent scheme for the review of student complaints. The OIA will only consider cases when the University's internal procedures have been exhausted. It will not intervene in matters which turn purely on academic judgment.

At the end of the appeal process the student will be issued with a Completion of Procedures letter which will confirm the outcome of the appeal.

Following receipt of the Completion of Procedures letter the student is entitled to make an application to the OIA ([www.oiahe.org.uk](http://www.oiahe.org.uk)).

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<sup>1</sup> "School" should be taken to mean "School or Department", whichever is more appropriate, throughout the Examination Regulations.

## 8. Turnitin UK

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The University uses the Joint Information Systems Committee (JISC) approved Plagiarism Detection Service TurnitinUK (“the Service”), a method of systematically checking student assignments for plagiarism. The Service is operated by iParadigms, in conjunction with Northumbria Learning, the European reseller of the Service, who manage sales and support of the service to UK universities.

### 1 What is the Plagiarism Detection Service?

The Service searches the world wide web, extensive databases of reference material and content submitted by other students to identify any duplication with your work. The software makes no decisions as to whether a student has plagiarised, it simply highlights sections of text which have been found in other sources. In most cases this text will have been correctly cited. All work will continue to be reviewed by the academic department setting the assignment.

### 2 How are my assignments used by the Service?

Students (or staff, on behalf of students) can submit assignments to the Service. Your department(s) will have their own arrangements for this. Your work will be stored electronically on a database together with your name, email address, course details and institution. Your work will then be compared for similarity against work submitted by other students at Bristol and from other universities and will be included as source documents in the iParadigms reference database solely for the purpose of detecting plagiarism of submitted papers.

In the event of the Service detecting a high degree of similarity with content in the database, this will be reported back to the University. Your academic department can then investigate as they see fit in line with the University’s Examination Regulations. Any investigation is at the discretion of the University. In this circumstance it is possible that the personal data you have provided may need to be disclosed to academic staff within the other institution(s) from where matching content has been submitted. By signing the University of Bristol’s registration form you are giving your consent for your data to be transferred and used in this way.

### 3 Who controls the Service?

The University is the recognised Data Controller (being the person who controls the extent and use of data) for the data held or processed by or on behalf of the Service. iParadigms are the Data Processor.

In order for the University to make use of the Service it will be necessary for personal data relating to you to be transferred to countries not governed by EU

Data Protection legislation. However, it should be noted that iParadigms, the company processing your data on the University's behalf, is bound by terms of contract to abide at all times by the Data Protection principles.

#### **4 How long will my data be kept by the Service?**

The Service is a long-term initiative and it is the intention that student assignments will be retained indefinitely.

#### **5 What if I want my data to be removed from the Service?**

If you do wish to remove your data from the Service at any time you should contact the University TurnitinUK administrator (via email: [turnitinuk-admin@bristol.ac.uk](mailto:turnitinuk-admin@bristol.ac.uk)), who can make the necessary arrangements with Northumbria Learning. You will receive written confirmation when this has been completed.

#### **6 What if I want to find out what personal data the Service holds on me?**

If you wish to find out exactly what personal data the Service holds about you please contact the Information Rights Officer in the Office of the University Secretary. You will be required to prove your identity before any personal information is disclosed to you – please see the 'subject access request' process referred to below. The process will involve the Information Rights Officer contacting Northumbria Learning and iParadigms on your behalf.

It is possible that the University also holds personal data on you in relation to plagiarism which it has received from the Service or elsewhere. Details of how to obtain access to such data is given below in the 'Further Information' section.

#### **7 Who owns the Copyright to the work I have submitted to the Service?**

The copyright in the content submitted to the Service by you (or by staff on your behalf) remains yours at all times. The Service has no interest in acquiring the intellectual property rights for the content submitted by you. By submitting content to the Service, you are granting a licence to the Service for it to use the copyright in the content for the purposes set out in these Regulations. Please refer below to the 'Further Information' section for details of the University's policy Intellectual Property.

Please note that neither the University, the Service nor its data processors will seek to exploit the content submitted to this Service for any further commercial gain outside the remit of this Service.

## **8 Further Information**

Please see the University of Bristol's Intellectual Property Policy for Students, which is set out in the Rules and Regulations for Students booklet and on the web at <http://www.bris.ac.uk/secretary/studentrulesregs/intelprop.html>

Information about how to making a 'subject access request', the official process for requesting copies of information held about you, is available from the Office of the University Secretary

at <http://www.bris.ac.uk/secretary/dataprotection/individ/subjectaccess.html>

Further information on TurnitinUK is available from <http://www.submit.ac.uk/>.

*Introduced September 2003. Revised June 2008.*

## 9. Regulations on Research Practise

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### 1 Responsibility for research in the University

The Head of School is responsible for research conducted within or under the auspices of that School and answers to the Dean, the Pro-Vice-Chancellor responsible for research, and the Vice-Chancellor.

### 2 Research practice

These regulations apply to all members of the University involved in research. This will include staff and undergraduate and postgraduate students. It also applies to those who are not members of the University, but who are conducting research on the University's premises, under the University's auspices or using the University's research facilities.

All those conducting research in the University are expected to:

- maintain professional standards
- be familiar with guidance on best research practice, for example in relation to matters of policy, ethics, finance and safety
- comply with the University Research Governance and Integrity Policy
- observe legal and ethical requirements laid down by the University or other properly appointed bodies involved in the research field
- recognise the importance of good leadership and co-operation in research groups
- take special account of the needs of novice researchers
- document results and keep primary data secure
- question findings
- attribute honestly the contributions of others
- take steps to ensure the safety of all those associated with the research
- report any conflict of interest, actual or prospective, to the appropriate person.

### 3 Information about research projects

Anyone leading a research project within or under the auspices of the University should ensure that the research complies with relevant legislation and that arrangements are in place for the proper conduct of the research, including but not limited to insurance, ethics, data protection and the protection of intellectual property.

In particular, those leading or supervising research which involves human participants (including but not limited to questionnaires, interviews, human

samples and clinical research) must complete a research registration checklist before starting the research (see <http://www.bristol.ac.uk/red/research-governance>).

The University Ethics of Research Policy and Procedure governs the ethics of research across the University and applies to all those conducting research under the auspices of the University.

#### **4 Misconduct**

In the event of suspected research fraud or other research misconduct, the matter should be drawn to the University's attention under the Policy on Public Interest Disclosure. The University's Insurance Officer should be notified, in confidence, of any possible future claim, or insurance cover may be lost. The Director of Communications should also be notified, in confidence, in case of media interest.

*Approved by Council 5 July 2002. Last updated July 2010.*

# 10. Regulations on Research Misconduct

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## 1 General

These regulations apply to all members of the University involved in research. This will include staff and undergraduate and postgraduate students. It also applies to those who are not members of the University, but who are conducting research on the University's premises, under the University's auspices or using the University's research facilities.

For the purpose of these regulations, the Vice-Chancellor and other officers may act through their properly appointed nominees.

## 2 Definition of research misconduct

Research misconduct includes the following, whether deliberate, reckless or negligent:

- failure to obtain appropriate permission to conduct research
- deception in relation to research proposals
- unethical behaviour in the conduct of research, for example in relation to research subjects
- unauthorised use of information which was acquired confidentially
- deviation from good research practice, where this results in unreasonable risk of harm to humans, other animals or the environment
- fabrication, falsification or corruption of research data
- distortion of research outcomes, by distortion or omission of data that do not fit expected results
- dishonest misinterpretation of results
- publication of data known or believed to be false or misleading
- plagiarism, or dishonest use of unacknowledged sources
- misquotation or misrepresentation of other authors
- inappropriate attribution of authorship
- fraud or other misuse of research funds or research equipment
- attempting, planning or conspiring to be involved in research misconduct
- inciting others to be involved in research misconduct
- collusion in or concealment of research misconduct by others.

Fraud or other misuse of research funds or research equipment may be dealt with under the University's financial regulations.



### **3 Procedure in the case of suspected research misconduct**

The University has a responsibility to investigate allegations of research misconduct fully and expeditiously. It also has a responsibility to protect researchers from malicious, mischievous, or frivolous allegations.

All those to whom these regulations apply should report any incident of misconduct, whether witnessed or suspected. Members of staff and students are encouraged to raise concerns about suspected research misconduct in confidence under the University's Policy on Public Interest Disclosure.

In the event that serious allegations are made, they will be referred to the Vice-Chancellor under the appropriate disciplinary regulations. The Vice-Chancellor may take immediate action under the disciplinary regulations, or, if the Vice-Chancellor considers it appropriate to do so, he or she may first appoint a panel to investigate the allegations.

If a panel is appointed, it shall normally consist of three members: someone unconnected with the allegation who is a member of the school or faculty, a member of the University from outside the faculty and a lay member of Council, who shall chair the panel. Members of the panel must be impartial and unbiased. At least one member should have expert knowledge of the area of research involved. The individual or individuals against whom the allegation is made shall be informed of the decision to appoint a panel and shall be given the opportunity to comment on the proposed membership of the panel.

The panel shall take all reasonable steps to preserve the anonymity of the person or persons accused and the person or persons making the allegation, unless this would compromise the investigation. All reasonable steps must be taken to ensure that the investigation is undertaken as expeditiously as possible. The panel may seek legal advice.

The panel shall require the production of such records as are necessary to enable the investigation to proceed and shall secure their safekeeping. The panel may interview the person or persons accused and the person or persons making the allegation, together with anyone else who may have relevant information. Anyone attending for interview may be accompanied by a friend or representative.

The panel shall prepare a report setting out the evidence received, accounts of any interviews conducted and the panel's conclusions. The person or persons accused of research misconduct shall have an opportunity to comment on the report. The report and any comments received from the person or persons accused shall be submitted to the Vice-Chancellor. The panel may also make recommendations to promote best practice in the conduct of research and any such recommendations shall be brought to the attention of Senate and Council.

On receipt of the report, the Vice-Chancellor shall proceed as follows:

- In the event that the panel has found no evidence of misconduct, the complaint shall be dismissed.
- In the event that a complaint is upheld, but the offence found to be insufficiently serious to warrant formal disciplinary proceedings, the matter may be referred to the head of school or other appropriate individual for resolution.
- If the investigation has uncovered prima facie evidence of serious misconduct, then the matter shall be dealt with under the appropriate disciplinary procedures. Action may be taken in respect of members of staff under the Disciplinary Rules for Members of Staff and Disciplinary Procedure for Members of Staff. Action may be taken in respect of students suspected of research misconduct under the Student Disciplinary Regulations or Examination Regulations.

In cases where the outcome implicates someone who is not subject to the University's disciplinary procedures, the Vice-Chancellor shall bring the report to the attention of any appropriate disciplinary or other body.

If the panel finds the allegation to have been malicious or mischievous in nature, the matter may be referred to the Vice-Chancellor to consider whether disciplinary action should be taken against those making the allegation.

Where the research is funded in whole or part by an outside grant, the Vice-Chancellor shall have regard to the guidance issued by the relevant funding body. The Vice-Chancellor shall ensure that any such body is given appropriate and timely information as to the instigation and progress of an investigation and any referral under disciplinary regulations.

In the event of a finding of misconduct, where the person responsible is subject to the regulation of a professional body such as the General Medical Council, the Vice-Chancellor shall consider whether it is appropriate to inform the professional body of any finding.

Where the person responsible has published research, especially research to which the misconduct relates, the Vice-Chancellor shall consider whether it is appropriate to inform journal editors or others of any finding.

*Approved by Council 5 July 2002. Last updated July 2010.*

# 11. Intellectual Property Policy for Students

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## Introduction

During the course of your project you may generate some novel work. This is known as Intellectual Property (IP). Intellectual Property is the term used to describe the outputs of creative endeavour in literary, artistic, industrial, scientific and engineering fields that can be protected under legislation. In the University context this can be considered broadly as the results from research or creative projects.

As the generator of IP you are considered to be an 'inventor' or 'creator' and, together with the University, have rights to the Intellectual Property. This is known as Intellectual Property Rights (IPR). IPR give legal recognition to the ownership of intellectual property. There are several different forms of rights or areas of law giving rise to rights that together make up IPR.

Normally the University works with inventors to manage the IP. The University has facilities and staff within the Research and Enterprise Development Office (RED) specialised in managing IP and can provide expert help and advice. Therefore if you feel that you are an inventor and have created some IP, please speak to your project supervisor as soon as possible. Then you and your supervisor can contact RED and together we can work within the University IP Policy for Students to help you manage the IP you have invented as effectively as possible.

### **1 Ownership of intellectual property generated by students at the University of Bristol**

Both undergraduate and postgraduate students may generate inventions and other intellectual property while carrying out research or similar projects at the University. For these purposes, "intellectual property" includes:

- The ownership of and exclusive right to exploit any patentable discovery or invention made, including any resulting patents and patent applications;
- all rights (including design rights and rights which are capable of registration under the Registered Designs Act 1949 or revision thereof) to any design produced;
- copyright and database rights in (i) any computer program;
- any design capable of commercial exploitation; and (iii) any reports to sponsors and other materials produced in the course of performing the project;
- copyright in any documentation and other materials relating to the above;

- all rights (including rights which are capable of registration under the Registered Trademarks Act 1994 or revision thereof) to any mark produced.

## **2 Undergraduate and taught course (non-research) postgraduate students**

**2.1** In the event that an undergraduate student or a postgraduate student on a taught course generates intellectual property in the course of a University project, either solely or in collaboration (where the collaborators may be fellow students, members of University of Bristol staff, employees of a sponsoring organisation or collaborative partner or a combination thereof), he or she is asked to assign to the University any intellectual property that he or she may generate. Assignment will only take place in the event that intellectual property is generated. A student shall then give to the University all reasonable assistance to enable the University to obtain patents or other forms of legal protection for the intellectual property.

**2.2** The University operates a 'fair share' system for rewarding inventors which is described in the University's Revenue Sharing Scheme (as amended from time to time). If the University seeks to exploit commercially any intellectual property generated by an undergraduate or taught postgraduate student, it shall ensure that the student is treated in the same way as an employee inventor in accordance with the University's Revenue Sharing Scheme in force at the time.

**2.3** In the event that an undergraduate or taught postgraduate student generates intellectual property independently of their research project, University facilities or intellectual supervision then that intellectual property shall remain the property of the student. However, subject to the results of due diligence examination, the University may be willing to manage the commercialisation of the intellectual property on behalf of the student. This would require the student to assign their intellectual property rights to the University in return for an inventors reward as described in the University's Revenue Sharing Scheme.

**2.4** Information disclosed to a student during the course of a student's research activities and any results generated during that period (whether or not technical or commercial in nature) may constitute valuable intellectual property and require protection prior to any form of non-confidential disclosure. It is the responsibility of the research project supervisor to advise the student as to which results and/or information are to be kept confidential. If in any doubt, advice should be sought from the Research and Enterprise Development Office.

## **3 Postgraduate students (research based)**

**3.1** Postgraduate students will be required to execute agreements and assignments of intellectual property as a condition of participation in University

research projects, a copy of which is available from the Research and Enterprise Development Office. The agreements will be included as a constituent part of any official offer of a studentship placement from the relevant University of Bristol Faculty Office. Where an external party, such as a company, provides funding for a research project additional terms may be required by the funding party.

**3.2** The University operates a 'fair share' system for rewarding inventors which is described in the University's Revenue Sharing Scheme (as amended from time to time). If the University seeks to exploit commercially any intellectual property generated by a postgraduate student, it shall ensure that the student is treated in the same way as an employee inventor in accordance with the University's Revenue Sharing Scheme in force at the time.

**3.3** In the event that a postgraduate student generates intellectual property independently of their research project, University facilities or intellectual supervision then that intellectual property shall remain the property of the student. However, subject to the results of due diligence examination, the University may be willing to manage the commercialisation of the intellectual property on behalf of the student. This would require the student to assign their intellectual property rights to the University in return for an inventors reward as described in the University's Revenue Sharing Scheme.

**3.4** Information disclosed to a postgraduate student during the course of a student's research activities and any results generated during that period (whether or not technical or commercial in nature) may constitute valuable intellectual property and require protection prior to any form of non-confidential disclosure. It is the responsibility of the research project supervisor to advise the student as to which results and/or information are to be kept confidential. If in any doubt, advice should be sought from the Research and Enterprise Development Office.

## **4 Revenue Sharing Scheme**

The successful commercial exploitation of University owned intellectual property, be it a patented invention or material protected by copyright, will usually result in the University receiving royalty income. This may be either as a lump sum or as a stream of royalty income over a period of time.

The University has a standard scheme for the apportionment of its royalty income which reflects the involvement of the individuals concerned, the host Department and the University centrally.

Each case will need to be considered in the light of the individual circumstances applying, for example, the balance between University time and resources and those privately invested by the individual concerned. Subject to variation

depending on circumstances, normally the apportionment of income deriving from such commercial exploitation will be on the following scale:-

- A. The first call on income is a payment to the individual(s) involved of up to £4,000 [this should be viewed as an advanced allocation of part of the share of the first £15,000 (net of University outgoings) received]:

Income £0 gross - £4,000 gross 100% to the individual(s)

- B. The next call on income is the recovery of all outgoings by the University; for example patent and legal costs, thus reducing the *gross* income to a *net* sum.

- C. Further income, received after the initial payment of £4,000 has been made and after the recovery of University outgoings, is apportioned as follows:

£0 gross - £15,000 net	70% to the individual
	15% to host Department
	15% to University

[Assuming net income of £15,000 has been received, the individual(s) will receive a total of £10,500 which *includes* the initial payment of £4,000.]

£15,000 net - £75,000 net	50% to individual(s)
	25% to host Department
	25% to University

Greater than £75,000 net	1/3 to individual(s)
	1/3 to host Department
	1/3 to University

## Notes

### 1. Apportionment amongst individuals

Where more than one individual is involved, initial responsibility for agreeing the division amongst individuals lies with those individuals. Advice can be sought from the University via the University's Research and Enterprise Development Office and the University Secretary. In the case of income from exploitation of patents, individuals need not be named inventors to receive a share of income.

### 2. Leaving employment of University

Cessation of employment, under normal circumstances, will not affect an individual's right to receive a share of income.

### **3. Death**

In the case of the death of an individual due a share of income, that share of any income will be payable to the estate of the deceased.

### **4. Variation**

If an individual or Department wishes to request an alteration to the normal apportionment, the request is to be put in writing to the Vice-Chancellor for consultation with the Director of RED.

*Approved by Council 17 May 2002.*

## **12. Policy for Recording Educational Activities**

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### **Background**

1. This document sets out the University's policy on the recording of educational activities. Educational activities may include lectures, lab demonstrations, presentations or other academic teaching and student assessments.
2. The use of mobile devices, multimedia management capabilities, lecture capture technology, social media and online learning platforms are transforming the potential use of audio and video recordings for educational purposes.
3. Recording of educational activities is becoming an expectation for many students, and is becoming widespread across national and international higher education.
4. There are considerable educational benefits to recording for educational purposes, including:
  - Flexible learning – anytime and anywhere access to learning materials, at the student's own pace;
  - Multi-modal learning – providing learning materials in multiple formats to suit individual learning preferences;
  - Deep learning – ability to evaluate and contextualise learning materials over time
  - Innovations in pedagogy - for example the use of recorded material for viewing in advance of lectures to create space for more interaction within lectures;
  - Accessibility – particularly useful for students with special educational needs or whose first language is not English;
  - Practicality – ability to pause, repeat and / or revisit complex learning materials to increase understanding.
5. Recordings are an important part of the University's strategy to enhance the quality of the student experience and the University anticipates it becoming as normal as providing handouts or slides. The technology has multiple possible uses, such as short recordings for students to watch before seminars, recordings to help students on option choices and capturing events and lectures.
6. The University has conducted a successful pilot of lecture capture and recordings of students for assessment.
7. The University recognises and acknowledges that:



- Not all teaching styles are suitable for capture, e.g. where there is use of whiteboards, chalk boards etc. or if there is a high degree of student participation;
- Recording is not intended to replace student contact time and is provided to enrich the student experience;
- A requirement for staff to change their preferred teaching style for the purpose of recording may be detrimental to the student experience and is not encouraged.

### **Recording and Opt-out**

8. Where University supported recording facilities are available, automated recording technology will (subject to paragraph 9 below) automatically record all lectures (including anything displayed on the projector) and make these recordings available to all students registered on the unit.
9. If a lecturer feels his/her entire units may not be suitable for recording he/she is encouraged to engage in discussion with the Head of School or his/her nominee to establish whether any of the opt out reasons as set out below pertain. If it is established that his/her entire unit is not suitable for recording the unit will not be scheduled for recording. If the University has an overriding legal obligation to provide a recording (e.g. a student with a disability needs to make a recording as part of the 'reasonable adjustment' process), opt out will not be permitted.

Opt out will be appropriate if a lecture contains confidential or personal information, is commercially or politically sensitive, includes such a degree of interaction with students that recording is not viable or the mode of delivery makes recording unsuitable. There may be other valid reasons why opt out may be appropriate. These should be discussed with the Head of School or his/her nominee.

If part or the whole of a lecture is not suitable for recording as indicated above, a lecturer may manually stop a recording at the start or at any other point of his/her lecture.

However, in the respect of the academic year 2015/16, lecturers may opt out for any good reason (except where the University has an overriding legal obligation to provide a recording) provided that they notify the Mediasite Project Team and their Head of School of their reasons for opting out. The Mediasite Project Team will monitor the reasons given by lecturers for opt out and the University will review the proposed opt out policy towards the end of the academic year in the light of the experience gained.

10. Except for the purposes of student assessment, any student not wishing to be recorded should notify the lecturer at the start of the lecture.
11. Video recording will only be available to staff on request and is subject to availability.

### **Recording Notice**

12. Staff and students will be informed in advance if the University intends to record educational activities. Reminders will appear in the form of notices in the rooms in which recording will take place. There will be a final reminder in the form of a red light on the lectern indicating the recording has commenced.

### **Editing**

13. Lecturers will have the opportunity to review, edit and approve a recording for a period of two working days before the recording is made available to students via Blackboard. Separate arrangements will be made for part time staff. If the lecturer does not review edit and approve the recording within that time period the relevant recording will automatically be made available to the students, unedited. However, where there is good reason, the lecturer may recall a recording once published and edit it at a later date.

### **Safe Keeping**

14. All recordings will be password protected and accessible via Blackboard. The recordings will only be accessible by students registered on the relevant unit or University staff who have authorised access, such as unit heads and system administrators.
15. Recordings will normally be made available to students for the duration of their programme of study.
16. Unless the lecturer agrees or requests otherwise (eg. for the purposes of peer review) the recordings will only be used by the University for educational purposes and not for any performance management purposes.
17. Subject to paragraph 14, unless a staff member obtains the University's prior written agreement or the University obtains the staff member's written agreement, recordings may not be made publically available by any means, including by virtue of external publication, whether on the web or otherwise.

### **Reasonable Adjustments**

18. As with other services reasonable adjustments will be made for disabled students including but not limited to the provision of subtitling.

### **Take down**

19. If a member of staff becomes aware that any defamatory, inaccurate or infringing material is included within a recording or any other reason why it would be expedient for the University to recall a recording, they must contact the University Technology Enhanced Learning (TEL) Team immediately.

## **Consent and Data Protection**

20. Subject to the right to opt out set out in paragraphs 9 and 10, staff and students are deemed to consent to (i) the University recording and making the recordings available in accordance with this Policy and the staff and students grant the University an irrevocable licence to use their rights in any performance for the purposes set out in this Policy; and (ii) the processing of personal data in accordance with the University's Data Protection Policy.
21. Recordings of 'sensitive personal data' require the express consent of the staff or students being recorded. A consent form is available on the University website. Sensitive personal data means data that is identifiable and contains any of the following information: racial or ethnic origin, political opinions, religious or other similar beliefs, trade union membership, physical or mental health, sexual life or the alleged commission of a criminal offence.

## **Intellectual Property**

22. In accordance with the University contract of employment the University will own all rights in any recordings (including rights in the sounds made). This does not include performance rights which the staff and students will continue to own but in respect of which they have granted a licence to the University under paragraph 20 above.
23. The University will endeavour to acknowledge the lecturer as the author and performer of the recording. To the fullest extent permitted by law all other rights of the lecturer in the recordings are waived.
24. Staff must comply at all times with copyright legislation relating to their lectures and educational activities. Staff are encouraged to make use of creative commons content in their lectures wherever practicable.

## **Visitors**

25. Express (opt- in) consent is required for the recording of external visitors speaking at events and a consent form must be completed. This includes the recording of sensitive data when notice of recording is not sufficient; express consent to be recorded is required from all those involved in recordings.

## **Student Assessment**

26. The University may make recordings of students for the purposes of assessment. Paragraphs 13 to 15 inclusive of this Policy will not apply to any such recordings.

## **Student Recording of Lectures**

27. The University may allow students to record lectures, lab demonstrations, presentations or other academic teaching.

28. The School will inform students if they do not have permission to record lectures, presentations or lab demonstrations.
29. Unless students need to do so for any disability related reasons students may not record:
- (i) any seminars or tutorials; or
  - (ii) any events where members of the public are present or in which fellow students actively participate
- without obtaining the prior consent of the lecturer at the beginning of each such seminar, tutorial or event. This is because recording the seminar or tutorial may well also capture identifiable students and/or members of the public and they would each need to give their consent to their being recorded.
30. Any recording made by a student must only be used as a personal aid for study purposes. Students may not share, publish or otherwise make the recording available in whole or in part to any other person. Students must delete the recording as soon as they cease to be a student of the University.
31. Recording devices must be kept with the student at all times and may not be placed on the lectern/lab table unless required for any disability related reasons.
32. If the University supplies or makes recordings of lectures or other academic teaching available to students:
- (i) the University will own the copyright and all other intellectual property rights in the recordings; and
  - (ii) the recordings must only be used by the student as a personal aid for study purposes. The student may not share, publish or otherwise make the recording available in whole or in part to any other person.
33. Students must delete the recording as soon as they cease to be a student of the University.

### **Further information**

For any queries relating to Data Protection please contact the Information Rights Officer at [data-protection@bristol.ac.uk](mailto:data-protection@bristol.ac.uk)

For any queries relating to Learning and Teaching please contact TEL at <http://www.bristol.ac.uk/tel/>.

For more information about the Mediasite Project please contact the team at [mediasiteteam@bristol.ac.uk](mailto:mediasiteteam@bristol.ac.uk)

## Key Reference Documents

### Legal

- An overview of the legal position in relation to the recording of educational activities can be found in the JISC Legal Guidance Document:  
<http://www.jisclegal.ac.uk/Portals/12/Documents/PDFs/Recording%20 Lectures.pdf>
- More information about copyright at the University can be found at:  
<http://www.bristol.ac.uk/library/using/printing/copyright.html>.

### Accessibility

- More information about the University's obligations can be found at:  
<http://www.bristol.ac.uk/disability-services/staff-professionals/guidance/>  
and <http://www.bristol.ac.uk/style-guides/web/policies/>

# Use of Facilities

## 13. General Regulations for the Library Services and Facilities

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### 1. Introduction

1.1 The University of Bristol Library service with its headquarters in Tyndall Avenue comprises: the Arts and Social Sciences Library, the Medical Library, the Queen's Building Library (containing the collections of Engineering, Mathematics and Computer Science), the Wills Memorial Library (containing the collections of Law and Earth Sciences), the Education Library, the Worsley Chemical Library (School of Chemistry), the Maria Mercer Library (School of Physics), the Biological Sciences Library, the Geography Library (School of Geographical Sciences), the Veterinary Science Library and the Library Store at Brislington.

1.2 The Library service is available throughout the year. Opening times can be found at: <http://www.bristol.ac.uk/library/using/branches>.

1.3 The University Card acts as the Library Membership Card (as well as the identity card) for all students, members of staff and members of Council of the University. The University Card (or, for registered external users, the University of Bristol Library Membership Card) must be presented on request, whether to gain access to the Library, or to prove identity, or to borrow books in the Library. The University Card must not be given to, or used by, anyone else.

1.4 Throughout these regulations the term 'book' is deemed to include all types of material in physical format (e.g. printed books, printed journals, DVDs, etc.) provided by the libraries of the University.

### 2. Admission

2.1 Admission to membership of the Library is subject to individuals being and remaining in good standing and may be refused or suspended by the Director of Library Services subject to paragraph 5 below.

2.1.1 The following categories of persons are entitled to all privileges, subject to registering as a member of the Library:

- a) members of the University Council;
- b) members of staff;
- c) enrolled students of the University.

2.1.2. The following categories of persons may be granted a limited range of borrowing facilities, at the discretion of the Director of Library Services, subject to registering as a member of the Library:

- a) former members of the University of Bristol's staff who have at least 10 years of continuous service who have either: (i) reached the State pension age, or (ii) had no further employer;
- b) graduates of the University of Bristol and associate members of Convocation (on payment of a fee);
- c) members of staff and postgraduate students registered for research degrees at other universities and institutions of higher education in the UK (on payment of a fee, which may be waived for members of approved reciprocating institutions in the UK);
- d) designated representatives of certain institutions which have corporately been granted library privileges (a fee may be charged);
- e) members of groups for which special arrangements have been agreed (a fee may be charged);
- f) such other persons as the Director of Library Services may consider eligible (a fee may be charged, but may be waived for members of approved library reciprocal borrowing schemes).

2.1.3 The following categories of persons may be allowed to use the library facilities for reading and reference, subject to satisfactory registration:

- a) graduates of the University of Bristol and associate members of Convocation;
- b) members of staff and postgraduate students registered for research degrees at other universities and institutions of higher education in the UK on production of a document of certification from their institution;
- c) during University of Bristol vacations, other students of universities and institutions of higher education on production of a document of certification from their institution;
- d) such other persons or designated representatives of other approved institutions as the Director of Library Services may consider eligible (a fee may be charged, but may be waived for members of approved library reciprocal borrowing schemes).

2.2 Readers from outside the University may be subject to restrictions on the times when they may use the library services and facilities.

2.3 Readers wishing to use any library within the University are expected to acquaint themselves with and observe any particular regulations in force in that library.

### **3. Conduct**

3.1 Users are required to carry proof of Library membership when in any of the University libraries, and to produce this on request by any member of library or security staff.

3.2 Conversation or any behaviour likely to disturb or inconvenience other users must be avoided in the reading and silent study areas. Speaking into mobile telephones is not permitted except in designated areas. Within the library telephones must be switched off or set to silent mode.

3.3 Eating and drinking are not permitted (except in designated areas, and elsewhere only water from bottles or a library water fountain).

3.4 Books, equipment and furniture must not be damaged or defaced in any way.

3.5 Loss of, or damage to, books must be reported immediately. The user responsible may be required to make good any such loss or damage.

3.6 Any member of staff is empowered to enforce the regulations.

3.7 Subject to paragraph 5 below, the Director of Library Services has power to restrict or suspend the library privileges of any user contravening these regulations.

3.8 Users are required to comply with the provisions of copyright law and with any restrictions imposed by manufacturers' licences when using library material. The Library and its resources are to be used for the purpose of academic learning and research alone and not for other forms of commercial gain.

3.9 Personal belongings may be brought into the Library at the discretion of the staff and at the user's own risk. The Library cannot be held responsible for loss of, or damage to, personal property.

### **4. Borrowing**

4.1 Books may normally be borrowed in accordance with the appropriate procedures laid down in each library; certain classes of books, however, are either confined permanently or available for restricted loan only.



4.2 No book may be borrowed until the appropriate borrowing procedure for that library has been followed. The Director of Library Services is authorised to impose a fine of not more than £30 in respect of any attempt to remove a book without following the appropriate borrowing procedure.

4.3 Users are responsible for all books borrowed in their name. Their responsibility is not transferable and ends only when the appropriate return procedure has been completed.

4.4 Books must be returned by the date or time due. Users are expected to check their online borrower record and University email frequently and respond to Library notices. Users who fail to return a book by the due date or time may incur a fine.

4.5 Users leaving the University must return all books on loan and pay all outstanding charges before the end of their course or before they leave. Subscribing users must return all their books before the period of their subscription expires. Users who fail to return their books will be charged for the cost of replacement. In the case of those graduating the books must be returned, or the cost of replacement paid, and all other outstanding charges paid, at least one week before the award of their degree.

## **5. Powers of the Director of Library Services**

The Director of Library Services has discretionary power to restrict, suspend or refuse library membership, to refuse to lend, or to recall any book at any time. Suspension of membership of an enrolled student under these regulations is a temporary measure only and will be referred to the Vice-Chancellor as soon as possible for further consideration under the student disciplinary procedures.

*Last updated November 2011.*

# 14. Acceptable Use Policy for Computing Facilities

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## Contents

- Introduction
- Scope
- User identification and authentication
- Personal use of facilities
- Connecting devices to University networks
- Use of services provided by third parties
- Unattended equipment
- Unacceptable use
- Penalties for misuse

## Introduction

This Acceptable Use Policy is a sub-policy of the Information Security Policy (ISP-01) and sets out the responsibilities and required behaviour of users of the University's information systems, networks and computers.

## Scope

All members of the University (staff, students and associates), members of other institutions who have been granted federated access to use the University's facilities together with any others who may have been granted permission to use the University's information and communication technology facilities by the Director of IT Services are subject to this policy.

## User identification and authentication

Each member will be assigned a unique identifier (userID) for his or her individual use. This userID may not be used by anyone other than the individual user to whom it has been issued. Each member will be assigned an associated account password which must not be divulged to anyone, including IT Services staff, for any reason. This University password should not be used as the password for any other service. Individual members are expected to remember their password and to change it if there is any suspicion that it may have been compromised.

Each member will also be assigned a unique email address for his or her individual use and some members may also be given authorisation to use one or more generic (role based) email addresses. Members must not use the University email address assigned to anyone else without their explicit permission.

Email addresses are University owned assets and any use of these email addresses is subject to University policies.

## **Personal use of facilities**

University information and communication facilities, including email addresses and computers, are provided for academic and administrative purposes related to work or study at the University. Very occasional personal use is permitted but only so long as:

- it does not interfere with the member of staff's work nor the student's study
- it does not contravene any University policies
- it is not excessive in its use of resources

University facilities should not be used for the storage of data unrelated to membership of the University. In particular, University facilities should not be used to store copies of personal photographs, music collections or personal emails.

Members of staff and research postgraduates should not use a personal (non-University provided) email account to conduct University business and should maintain a separate, personal email account for personal email correspondence.

All use of University information and communication facilities, including any personal use is subject to University policies, including the Investigation of Computer Use Policy (ISP-18).

## **Connecting devices to University networks**

In order to reduce risks of malware infection and propagation, risks of network disruption and to ensure compliance with the JANET Acceptable Use and Security policies, it is not permitted to connect personally owned equipment to any network socket which has not been provided specifically for the purpose. It is permissible to connect personally owned equipment to the University's wireless networks.

To further reduce risk of data loss, members of staff and research postgraduates should not connect any personally owned peripheral device which is capable of storing data (for example, a personally owned USB stick) to any University owned equipment, irrespective of where the equipment is located.

Any device connected to a University network must be managed effectively. Devices which are not are liable to physical or logical disconnection from the network without notice.

## **Use of services provided by third parties**

Wherever possible, members should only use services provided or endorsed by the University for conducting University business. The University recognises, however, that there are occasions when it is unable to meet the

legitimate requirements of its members and that in these circumstances it may be permissible to use services provided by other third parties.

Further information is available in the Information Handling Policy (ISP-07) and the Outsourcing and Third Party Compliance Policy (ISP-04).

### **Unattended equipment**

Computers and other equipment used to access University facilities must not be left unattended and unlocked if logged in. Members must ensure that their computers are locked before being left unattended. Care should be taken to ensure that no restricted information is left on display on the computer when it is left unattended.

Particular care should be taken to ensure the physical security of all equipment when in transit.

### **Unacceptable use**

In addition to what has already been written above, the following are also considered to be unacceptable uses of University facilities. These restrictions are consistent with the JANET acceptable use policy (by which the University is bound) and the law.

- Any illegal activity or activity which breaches any University policy (see the Compliance Policy - ISP-03).
- Any attempt to undermine the security of the University's facilities. (For the avoidance of doubt, this includes undertaking any unauthorised penetration testing or vulnerability scanning of any University systems.)
- Providing access to facilities or information to those who are not entitled to access.
- Any irresponsible or reckless handling or unauthorised use of University data (see the Information Handling Policy - ISP-07).
- Any use which brings the University into disrepute.
- Any use of University facilities to bully, harass, intimidate or otherwise cause alarm or distress to others.
- Sending unsolicited and unauthorised bulk email (spam) which is unrelated to the legitimate business of the University.
- Creating, storing or transmitting any material which infringes copyright.
- Creating, storing or transmitting defamatory or obscene material. (In the unlikely event that there is a genuine academic need to access obscene material, the University must be made aware of this in advance and prior permission to access must be obtained from the Director of IT Services.)
- Using software which is only licensed for limited purposes for any other purpose or otherwise breaching software licensing agreements.
- Failing to comply with a request from an authorised person to desist from any activity which has been deemed detrimental to the

- operation of the University's facilities.
- Failing to report any breach, or suspected breach of information security to IT Services.
- Failing to comply with a request from an authorised person for you to change your password.

### **Penalties for misuse**

Minor breaches of policy will be dealt with by IT Services. Heads of School/Division may be informed of the fact that a breach of policy has taken place.

More serious breaches of policy (or repeated minor breaches) will be dealt with under the University's disciplinary procedures

Where appropriate, breaches of the law will be reported to the police. Where the breach has occurred in a jurisdiction outside the UK, the breach may be reported to the relevant authorities within that jurisdiction.

# 15. Policy for the Investigation of Computers

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## Contents

- Introduction
- Scope
- The University's Powers to Access Communications
- The Powers of Law Enforcement Authorities to Access Communications
- Other Third Parties
- Covert Monitoring
- Procedure

## Introduction

This Investigation of Computer Use Policy is a sub-policy of the Information Security Policy (ISP-01) and outlines the circumstances in which it is permissible for the University to access the IT accounts, communications and other data of its members.

The University respects the privacy and academic freedom of its staff and students and recognises that investigating the use of IT may be perceived as an invasion of privacy. However, the University may carry out lawful monitoring of its IT systems when there is sufficient justification to do so and when the monitoring has been authorised at an appropriately senior level.

Staff, students and other members should be aware that the University may access records of use of email, telephone and other electronic communications, whether stored or in transit. This is in order to comply with the law and applicable regulations, to ensure appropriate use of the University's IT systems and to ensure compliance with other University policies. All access and monitoring will comply with UK legislation including the Regulation of Investigatory Powers Act 2000 (RIPA), the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 (LBP), the Human Rights Act 1998 (HRA) and the Data Protection Act 1998 (DPA). Decisions to access the IT accounts, communications and other data of members will be taken by an independent person in order to ensure that such requests are free of bias and are not malicious. Investigations of this kind are sensitive and time-consuming. Decisions to undertake such investigations will therefore be made at an appropriately senior level by a member of the University Secretary's Office who will also determine the scale of the work to be undertaken.

## Scope

All members (staff, students and associates) of the University together with any others who may have been granted permission to use the University's information and communication technology facilities by the Director of IT Services are subject to this policy.

## **The University's Powers to Access Communications**

Authorised University staff may access files and communications, including electronic mail files, stored on any IT facilities owned, managed or provided by the University and may examine the content of these files and any relevant traffic data.

The University may access files and communications for the following reasons:

- to ensure the operational effectiveness of its services (for example, the University may take measures to protect its systems from viruses and other threats);
- to establish the existence of facts relevant to the business of the institution (for example, where a case of suspected plagiarism is being investigated and there is sufficient evidence, the contents of an individual's communications and/or files may be examined without their consent with the authority of an authorised person);
- to investigate or detect unauthorised use of its systems;
- to ascertain compliance with regulatory or self-regulatory practices or procedures relevant to the University's business;
- to monitor whether or not communications are relevant to the business of the University (for example, checking email accounts when staff are absent on holiday or on sick leave to access relevant communications);
- to comply with information requests made under the Data Protection Act or Freedom of Information Act (individuals would in normal circumstances be notified).

## **The Powers of Law Enforcement Authorities to Access Communications**

A number of other non-University bodies and persons may be allowed access to user communications under certain circumstances. Where the University is compelled to provide access to communications by virtue of a Court Order or other competent authority, the University will disclose information to these non-institutional bodies/persons when required as allowed under the Data Protection Act 1998.

For example, under the Regulation of Investigatory Powers Act 2000 a warrant may be obtained by a number of law enforcement bodies regarding issues of national security, the prevention and detection of serious crime or the safeguarding of the economic well-being of the UK.

## **Other Third Parties**

The University makes use of third parties in delivering some of its IT services. These third parties may intercept communications for the purpose of ensuring the security and effective operation of their service (for example, a third party which provides email services to the University may scan incoming and outgoing email for viruses and spam).

## **Covert Monitoring**

Covert monitoring of computer use will only be authorised in exceptional circumstances where there is reason to suspect criminal activity or a serious breach of University regulations and notification of the monitoring would be likely to prejudice the prevention or detection of that activity. The period and scope of the monitoring will be as narrow as possible to be able to investigate the alleged offence and the monitoring will cease as soon as the investigation is complete. Only information gathered in relation to the alleged offence will be retained. This information will only be viewed by those for whom access is strictly necessary, for example in relation to potential disciplinary proceedings.

## **Procedure**

Requests for investigation under this policy may be made by any member of staff or student, although typically the request will come from a head of department, school or division. Occasionally requests are made from outside of the University, for example by the police. The request should be made to the University Secretary's Office and should include the following information:

- a. the name and department of the student or staff member whose computer or computing activity you wish to be investigated;
- b. the reasons for the request;
- c. where computer misuse is alleged, the evidence on which this is based;
- d. the nature of the information sought;
- e. any other relevant information, for example, that the request relates to ongoing disciplinary or grievance procedure.

In order to monitor the number and type of requests made, the University Secretary's Office will keep a record of the requests that have been made and those which were acceded to.



## 16. Car Parking Regulations

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The following rules govern the use by students of University car parking area within the University Precinct.

### **Car parks**

Car parking spaces in the University precinct are reserved for University staff and official visitors during normal working hours, i.e. Monday to Friday, 8 am to 5 pm, throughout the year, and students may not drive into or park motor vehicles in any University car park during these times. (Students with a mobility impairment may apply to Security Services for a special car parking permit.)

Students may park vehicles in these car parks at all other times, i.e. during the evenings and at weekends.

Parking in the private access or exit road or area to or from any University car park is strictly prohibited, for reasons of safety.

Offending vehicles will be subject to a Civil Parking Charge, the cost is £120 but reduced to £60 if paid within 14 days; no prior warning will be given.

### **Motor cycle parks**

There are limited facilities for parking motor cycles in the precinct.

# General

## 17. Policy on Public Interest Disclosure

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1. Introduction
2. Malpractice
3. Assessors
4. Disclosure
5. Further Steps
6. External Disclosure
7. Safeguards
8. Protection against disciplinary action
9. Research Students
10. Amendments/Review

### 1 Introduction

Members of staff and students may be the first to realise that there is something wrong within the University. However they may not express their concerns, because they feel that speaking up would be disloyal to their colleagues or tutors. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The University encourages members of staff and students to raise genuine concerns about malpractice at the earliest practicable stage. This procedure aims to provide a rapid mechanism under which genuine concerns can be raised internally, and, if necessary, externally, without fear of adverse repercussions to the individual. It is also intended to promote throughout the University a culture of openness and a shared sense of integrity, by inviting all employees and students to act responsibly in order to uphold the reputation of the University and maintain public confidence.

This procedure also seeks to balance the need to provide safeguards for members of staff and students who raise genuine concerns about malpractice against the need to protect other members of staff, members of Council, students and the University against uninformed or vexatious allegations.

### 2 Malpractice

The types of matters regarded as malpractice for the purposes of this procedure are as follows:

- Fraud or financial irregularity
- Corruption, bribery or blackmail
- Criminal offences

- Failure to comply with a legal or regulatory obligation
- Miscarriage of justice
- Endangering the health or safety of any individual
- Endangering the environment
- Improper use of authority
- Serious financial maladministration arising from the deliberate commission of improper conduct
- Research misconduct

### **3 Assessors**

The Vice-Chancellor will ensure that three members of staff of appropriate experience and standing within the University are designated at any time for the purposes of this procedure as Assessors. One of these shall be designated as Lead Assessor. The current Assessors are:

Lead Assessor - Professor Guy Orpen, Deputy Vice-Chancellor (0117 928 8038)

Assessor - Professor Tim Gallagher, Faculty of Science (0117 331 7479)

Assessor - Mrs Jane Bridgwater, Deputy Secretary (0117 331 7647)

Assessor - Sue Paterson, Deputy Secretary (0117 954 5997)

The Vice-Chancellor may revoke any such designation from time to time and appoint new Assessors. This will be reported to the next meeting of Council, together with brief reasons for the revocation. Where a revocation arises from the termination of an Assessor's employment, brief reasons for the termination will be given to Council.

The Lead Assessor will co-ordinate the training of the Assessors in the use of this procedure and will produce an annual report for Council on the number of occasions when the procedure has been formally invoked and the outcome in each case.

### **4 Disclosure**

This procedure applies to disclosure by an employee, an agency contract worker, a self-employed homeworker employed or engaged by the University, a student at the University or a member of Council, who has grounds to believe that malpractice has occurred, is occurring or is likely to occur in connection with the University. This malpractice may be on the part of an employee, a student, a member of Council or any other person or persons.

The person making the disclosure should as soon as practicable disclose in confidence the grounds for the belief of malpractice to any of the Assessors. An Assessor may

decline to become involved on reasonable grounds. Such grounds include previous involvement or interest in the matter concerned, incapacity or unavailability or that an Assessor is satisfied, after consulting the Lead Assessor, that another Assessor would be more appropriate to consider the matter in accordance with this procedure.

Any disclosure to an Assessor under this procedure shall, wherever possible, be in writing. The person making the disclosure should provide as much supporting written evidence as possible about the grounds for the belief of malpractice.

On receipt of the disclosure, the Assessor will offer to interview, in confidence, the person making the disclosure. Such an interview will take place as soon as practicable after the initial disclosure. The purpose of the interview will be for the Assessor to obtain as much information as possible about the grounds of the belief of malpractice and to consult about further steps which could be taken. The person making the disclosure may be accompanied by a local trade union representative or work colleague at the interview. The Assessor may be accompanied by an administrative assistant to take notes. The notes will not identify the person making the disclosure. For safeguards in relation to confidentiality, see below.

## **5 Further steps**

As soon as practicable after the interview (or after the initial disclosure if no interview takes place), the Assessor will recommend what further steps should be taken. Such recommendations may include one or more of the following:

- that the matter should be investigated internally by the University and/or by the University's external or internal auditors or other investigators appointed by the University;
- that the University's disciplinary procedures should be invoked;
- that a member of staff or a student should be given the opportunity to seek redress through the University's grievance or complaints procedures;
- that the matter should be reported to the police;
- that the matter should be reported to the HEFCE, the Department for Education and Skills, the National Audit Office or other appropriate public authority.

The grounds on which the Assessor may recommend that no further action by the University should be taken are as follows:

- that the Assessor is satisfied that the person making the disclosure does not have a reasonable belief that malpractice within the meaning of this procedure has occurred, is occurring or is likely to occur; or

- that the Assessor is satisfied that the person making the disclosure is not acting in good faith; or
- that the matter concerned is already the subject of legal proceedings, or has already been referred to the police, the HEFCE or other public authority; or
- that the matter is already (or has already been) the subject of appropriate proceedings under one of the University's other procedures relating to staff or students.

Any such recommendations will be made by the Assessor to the Vice-Chancellor, unless it is alleged that the Vice-Chancellor is involved in the alleged malpractice or unless there are other reasonable grounds for not doing so, in which case the recommendations will be made to the Chairman or the Vice-Chairman of Council. The recommendations will be made without revealing the identity of the person making the disclosure save as provided below.

The recipient of the recommendations will take all steps within his or her power to ensure that they are implemented, save to the extent that in the view of the recipient there are good reasons for not doing so. If the Vice-Chancellor decides not to implement any such recommendations, that decision will be notified in writing to the Chairman of Council as soon as practicable, together with the reasons for it.

Once the Vice-Chancellor or other recipient has decided what further steps (if any) should be taken, the Assessor will inform the person making the disclosure of the decision. If no further steps by the University are proposed, the Assessor will give the reasons for this.

## **6 External disclosure**

If, having followed this procedure, the person making the disclosure is not satisfied with the further steps decided upon, or the outcome of any such steps, he or she may raise the matter on a confidential basis directly with the police, the HEFCE, the Department for Education and Skills, a Member of Parliament or other appropriate public authority. Before taking any such action, the discloser will inform the Assessor.

The person making the disclosure may also raise the matter externally, as set out in the paragraph above, if he or she has reasonable grounds for believing that he or she will be subjected to a detriment as a result of making the disclosure, or that all the available Assessors are or were involved in the alleged malpractice.

The person making the disclosure may at any time disclose the matter on a confidential basis to a professionally qualified lawyer for the purpose of taking legal advice.

## 7 Safeguards

Any report or recommendations by the Assessor in relation to the matter will not normally identify the person making the disclosure, save on a strictly confidential basis to the Assessor's administrative assistant or to a professionally qualified lawyer for the purpose of obtaining legal advice, unless:

- the discloser consents in writing
- there are grounds to believe that the discloser has acted maliciously
- the Assessor is under a legal obligation to do so
- the information is already in the public domain
- it is essential to do so in order to deal appropriately with the matter disclosed

Any documentation (including computer files and disks) kept by the Assessor relating to the matter will be kept secure, so that as far as practicable only the Assessor and his or her administrative assistant shall have access to it. As far as practicable, any documentation prepared by the Assessor will not reveal the identity of the individual as the discloser of information under this procedure.

Where the person making the disclosure involves a local trade union representative or work colleague in this procedure, the discloser will be under an obligation to use all reasonable endeavours to ensure that the representative or work colleague keeps the matter strictly confidential save, as permitted under this procedure, as required by law or until such time as it comes into the public domain.

The discloser will not be required by the University without his or her consent to participate in any enquiry or investigation into the matter, unless there are grounds to believe that the discloser may have been involved in misconduct or malpractice.

Where the person making the disclosure participates in any such enquiry or investigation, that participation will usually be required to be on an open rather than a confidential basis, although the obligations of the Assessor will remain in relation to the identity of the individual as the original discloser of information under this procedure.

Subject to the paragraphs below, the University will not (and it will use all reasonable endeavours to ensure that its employees do not) subject the discloser to any detriment on the grounds of the disclosure of information under this procedure. The person making the disclosure should report any complaints of such treatment to an Assessor. If the discloser wishes the Assessor to take action in relation to such complaints, the discloser may be asked to consent in writing to the Assessor revealing the discloser's identity for the purposes of any such action.

## **8 Protection against disciplinary action**

No disciplinary action will be taken against anyone for making a disclosure in accordance with this procedure. This will not prevent the University from bringing disciplinary action in cases where there are grounds to believe that a disclosure has been made maliciously or vexatiously or where an external disclosure is made in breach of this procedure without reasonable grounds or otherwise than to an appropriate public authority.

## **9 Research students**

Where a research student raises concerns about his or her supervisor under this procedure and as a consequence feels that the supervisory relationship cannot continue, the University will endeavour to find a replacement supervisor and will take all reasonable steps to ensure that the student's research is not disrupted.

## **10 Amendments/Review**

This procedure may be amended by Council from time to time. Any comments or suggestions about the procedure should be referred to an Assessor or to the University Secretary.

*Approved by Council 5 July 2002. Last amended September 2005.*

# 18. Freedom of Speech

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## Introduction

1. The Education Act, 1986, requires the University to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for its members, students and employees and for visiting speakers. This includes a duty to ensure, as far as is reasonably practicable, that the use of its premises, including Halls of Residence and the Union building, is not denied to individuals or bodies of persons on grounds connected with their beliefs, views, policies or objectives.

In fulfilment of these duties, the University Council is required under the terms of the Act to issue and keep up to date a code of practice setting out the procedures to be followed by members, students and employees of the University in connection with the organisation of meetings and activities taking place on its premises and which fall within any class specified in the code. All concerned with the government of the University are required to ensure compliance, through disciplinary measures if necessary, with the terms of the code of practice.

## Principles

2. The University believes that an atmosphere of free and open discussion is essential to its life and work. Such an atmosphere can be achieved only if all concerned behave with necessary tolerance and avoid needlessly offensive or provocative action and language. The University is, however, not obliged to admit members of the public to meetings taking place on its premises and must take account of other legal obligations which may require it to have regard to what is said on its premises. (A speaker, for example, who incites an audience to violence or to breach of the peace or to racial hatred transgresses the bounds of lawful speech. Equally, assemblies of persons, even if directed to lawful purposes, cease to be lawful if they cause serious disorder or breaches of the peace.)

## Procedures

3.1 The Council of the University lays down the following code of practice, the terms of which must be followed by its members, students and employees in respect of:

1. such meetings or other activities to take place or taking place on University premises where there is a real likelihood that the speaker may not be able to enter or leave the building freely and safely and/or to deliver his or her speech properly and fully (hereinafter referred to as 'specified events');
2. the conduct required of all persons in connection with such specified events;
3. any other related or ancillary matters which Council from time to time declares to fall within the code.



**3.2** In question of doubt the Secretary of the University shall determine whether or not a particular meeting or activity is to be regarded as specified. It shall be the responsibility of the Secretary to take such steps as he or she may consider desirable to ensure compliance with this code of practice. Appeal against any decision of the Secretary taken under the terms of this code may be made to the Vice-Chancellor, whose decision shall be final.

**3.3** All persons within the University who have a responsibility for the use of premises, including but not restricted to Heads of Departments, Wardens of Halls, the Bursar and the General Manager of the Students' Union, shall be responsible for reporting to the Secretary any proposed use of premises which may constitute a specified event.

**3.4** The organisers of any specified event shall ensure that a single person is appointed as principal organiser for the event. The principal organiser of such an event shall ensure that at least four weeks prior to the event notice of the proposal is given to the Secretary. Such notice shall contain a written statement of the name of the speaker, the name of the body arranging the event, the subject of the address, the precise timing of arrival and departure of the speaker and the proposed location of the event. Failing such notice the event shall not be permitted to take place on University premises.

**3.5** Within seven days of receiving such notice the Secretary shall notify the principal organiser that permission is or is not granted for the use of University premises as proposed for the conduct of the specified event. The Secretary may lay down such conditions as he or she considers reasonably necessary to secure fulfilment of the University's responsibilities concerning the protection of free speech within the law and may decide on the particular premises within which the event may take place.

**3.6** The principal organiser and every other person concerned with the organisation of a specified event for which permission has been granted shall be required to comply with all conditions laid down by the Secretary for the conduct of the event under the provisions of this code. Such conditions may include but shall not be limited to:

- method of advertising the event
- admittance or non-admittance of members of the public
- issue of tickets
- provision of means of identity by those attending
- provision of a specified number of suitable stewards
- attendance of security staff
- presence of specified senior members of the University
- the refusal of admission of press, radio or television to the event
- the mode of appointment of a Chairman for the event.

In addition the Secretary shall have discretion to lay down further conditions, if appropriate, after discussion with the police. Thus the Secretary may, for example, require the specified event to be declared public (which would permit a police presence); the Secretary may arrange for University staff to be responsible for all security arrangements connected with the event and may appoint a member of staff as 'controlling officer' for the occasion.

If not satisfied that adequate arrangements can be made to maintain good order the Secretary may refuse or withdraw permission for the meeting or activity. Such a step would normally only be taken on the advice of the police.

**3.7** The University will normally supply and pay for the cost of a relay system to an additional hall if the Secretary considers this to be necessary.

**3.8** Organisers have a duty to see that nothing in the preparation for or conduct of a specified event infringes the law, e.g. by conduct likely to cause a breach of the peace or incitement to illegal acts.

**3.9** The Chairman of a specified event has a duty as far as possible to ensure that both the audience and the speaker act in accordance with the law during the meeting. In case of unlawful conduct the Chairman is required to give appropriate warnings and, in case of continuing unlawfulness, to require the withdrawal or removal of persons concerned by the stewards or security staff, or to close the meeting. The Secretary, or the 'controlling officer' on the Secretary's behalf, shall have authority to overrule the Chairman's discretion and to close the meeting if he or she considers it necessary.

**3.10** No food or drink, alcoholic or otherwise, may be taken into the room to be used for a specified event. No article or objects may be taken inside the building where the event is taking place, or taken or used elsewhere on University premises, in circumstances likely to lead to injury or damage.

**3.11** Premises which it has been agreed may be used for a specified event must be left in a clean and tidy condition in default of which the organisers may be charged for any additional cleaning and repairs that are subsequently required. Payment in advance or evidence of ability to pay towards these costs may be required.

**3.12** The question of responsibility for the cost of security arrangements deemed necessary by the Secretary shall be discussed between him or her and the principal organiser before the event. In circumstances where the University agrees to bear a significant proportion of these costs, the organisers may be required to accept a limitation on the number of specified events they may arrange.

**3.13** The Secretary may appoint a designated member of his or her staff to act on his or her behalf at any or all stages of this code of practice. In the case of activities taking place within the Students' Union the Secretary shall normally exercise his or her

responsibilities under this code of practice through the person of the General Manager of the Union.

**3.14** Failure of any member, student or employee of the University to comply with this code of practice may be made the subject of appropriate disciplinary proceedings. Additionally, if such actions involve breaches of the law the University authorities will be ready to assist the prosecuting authorities to implement the processes of law and, if charges are preferred, will stay disciplinary proceedings pending the outcome of any such proceedings.

### **Proposed addition to booking form for outside use of rooms**

It is the responsibility of the organisers of any meeting or activity at which they may reasonably expect disruption of any kind to inform the University at the time the booking is made, and in no case less than twenty-eight days before the date of the event, of the names of the proposed speakers and the subject matter of their talks. Where such prior notice is not given and there subsequently appears to be risk of disruption the hirer shall be in breach of the conditions of the booking and the University may withdraw permission for the use of its premises and require cancellation of the meeting or activity at any time.

## **19. Education Act 1994: Code of Practise implementing Section 22(3) (2015/16 version)**

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The Education Act 1994 (the “Act”)(Section 22(3)) requires universities to issue a code of practice, setting out the manner in which the requirements of section 22(1) and (2) of the Act, relating to the organisation and activities of the Students’ Union, are to be put into effect.

Set out below are the requirements of the Act, together with the steps taken by the University of Bristol to ensure compliance.

### **Section 1**

The governing body of every establishment to which this Part applies shall take such steps as are reasonably practicable to secure that any students’ union for students at the establishment operates in a fair and democratic manner and is accountable for its finances.

The steps taken are set out below.

### **Section 2**

(a) The union should have a written constitution

Under Ordinance 24 of the University, the University of Bristol Students’ Union is established as a charitable company limited by guarantee. The Articles of Association set out the current written constitution of the Union.

(b) The provisions of the constitution should be subject to the approval of the governing body and to review by that body at intervals of not more than five years.

The prior approval of the University Council is required for any amendments to the Union’s Articles of Association.

The University Council is required under the Articles of Association to review the provisions of the Union’s Articles of Association at intervals of not more than five years.

(c) A student should have the right not be a member of the union, or in the case of a representative body which is not an association, to signify that he does not wish to be represented by it, and students who exercise that right should not be unfairly disadvantaged, with regard to the provision of services or otherwise, by reason of their having done so.

All full-time and part-time students at the University are entitled to become members of the Union (by becoming a member of the charitable company by which it is constituted), unless they give notice in accordance with the Articles that they choose

not to be a member of the Union. The Union shall not levy subscriptions for membership of the Union (save that clubs and societies of the Union may levy a membership fee on their members). Full members shall be the students (who have not opted out) and the Sabbatical Trustees. Regardless of membership of the Union, students are entitled to use the Union building and facilities, to join Union clubs and societies, to use the University's sports facilities, and to make use of welfare services. Students who are not members of the Union are eligible to stand for election as student representatives on Senate.

(d) Appointment to major union offices should be by election in a secret ballot in which all members are entitled to vote.

The procedures relating to elections are set out in the Articles of Association of the Union, and comply with this requirement.

(e) The governing body should satisfy themselves that the elections are fairly and properly conducted.

The Returning Officer monitors the conduct of all elections to major union offices and reports annually on such elections to the Deputy Registrar (Academic Services) who in turn reports to University Council. The Trustees of the Union are responsible for ensuring that all elections (whether carried out by way of referendum, secret ballot or by resolution at any general meeting of the Union) are fairly and properly conducted.

(f) A person should not hold sabbatical office, or paid elected union office, for more than two years in total at the establishment.

This is provided for under the Union's Articles of Association.

(g) The financial affairs of the union should be properly conducted, and appropriate arrangements should exist for the approval of the union's budget, and the monitoring of its expenditure, by the governing body.

The financial management of the Union is monitored on behalf of the University Council by the Finance Director to whom the Trustees will report on the Union's financial affairs. The Union also has a University Financial Adviser who will report to the Finance Director any matters relating to Union funds which in his or her opinion should be so reported. The Trustees must obtain the approval of the University Council for the budget for the Union in respect of each financial year before, or at the earliest possible date after, the start of the financial year in accordance with the Articles.

The Finance Director:

- Reports annually to Council on the financial affairs of the Union including the budget and the annual report and statement of accounts, and will highlight any other matters as appropriate in order for the University Council to monitor whether such financial affairs of the Union are properly conducted.

- Receives and reviews the proposed budget for the Union for any financial period and reports on the budget to the University Council in order to allow it to decide whether to give its approval in accordance with the Articles and the Act.

(h) Financial reports of the union should be published annually or more frequently, and should be made available to the governing body and to all students, and each such report should contain, in particular, a list of the external organisations to which the union has made donations in the period to which the report relates, and details of those donations.

The Trustees of the Union shall comply with the requirements of the Companies Acts and of the Charities Act 1993 as to, keeping financial records, the audit or examination of accounts and the preparation and transmission to the Registrar of Companies and the Charity Commission of:

- (i) annual reports
- (ii) annual returns
- (iii) annual statements of account.

These documents are available for inspection through the Union Office and the Union shall in any event provide the University Council with a copy of the annual report and statement of accounts as soon as is reasonably practicable following the approval by the Trustees.

- (i) The procedure for allocating resources to groups or clubs should be fair, and should be set down in writing and freely accessible to all students.

The procedure for allocating resources is set out in the Union's Byelaws (Byelaw 9, Student Groups) available online:

[http://www.ubu.org.uk/pageassets/about/governance/financialaccounts/Byelaws\\_TB\\_27.3.2014\\_updated.pdf](http://www.ubu.org.uk/pageassets/about/governance/financialaccounts/Byelaws_TB_27.3.2014_updated.pdf)

Further details can also be found in the Union's Sports, Clubs and Societies Committee Handbook available online:

[https://www.ubu.org.uk/pageassets/activities/committee\\_resources/funding/Committee\\_Handbook\\_201314\\_FINAL.pdf](https://www.ubu.org.uk/pageassets/activities/committee_resources/funding/Committee_Handbook_201314_FINAL.pdf)

- (j) If the union decides to affiliate to an external organisation, it should publish notice of its decision, stating the name of the organisation, and details of any subscription or similar fee paid or proposed to be paid, and of any donation made or proposed to be made, to the organisation, and any such notice should be made available to the governing body and to all students.

The University has notified the Union of the requirement to comply with this provision.

(k) Where the Union is affiliated to any external organisations, a report should be published annually or more frequently containing:

(i) a list of the external organisations to which the union is currently affiliated, and;

(ii) details of subscriptions or similar fees paid, or donations made, to such organisations in the past year (or since the last report), and such reports should be made available to the governing body and to all students.

Where the union is affiliated to any external organisations, an annual report will be published and made available to the University Council and to students. This should contain a list of the external organisations to which the union is currently affiliated as at the date of the report, and details of subscriptions or similar fees paid, or donations made, to such organisations in the previous year.

(l) There should be procedures for the review of affiliations to external organisations, under which the current list of affiliations is submitted for approval by members annually or more frequently, and at such intervals of not more than a year as the governing body may determine, a requisition may be made by such proportion of members (not exceeding 5%) as the governing body may determine, that the question of continued affiliation to any particular organisation be decided upon by a secret ballot in which all members are entitled to vote.

Under the Articles of Association, no affiliation to any organisation may be made or continued unless it is approved at least once in every calendar year by a Referendum or otherwise in accordance with the Act.

(m) There should be a complaints procedure available to all students or groups of students who are dissatisfied in their dealings with the union, or claim to be unfairly disadvantaged by reason of their having exercised the right referred to in paragraph (c) above, which should include provision for an independent person appointed by the governing body to investigate and report on complaints.

Under University Statute 17.19 (“Grievances”), any student with a grievance may take it to the University Council, which has power to investigate the grievance, and to take any necessary steps to redress it. The University Council has discretion to appoint a Committee to deal with the matter. The Board of Trustees shall maintain a suitable complaints procedure, which shall include the right of appeal.

(n) Complaints should be dealt with promptly and fairly and where a complaint is upheld there should be an effective remedy.

The University Council ensures that grievances are dealt with quickly and appropriate remedies instituted. This is included in Statute 17.19 (“Grievances”).

## **Section 22(4)(b) Information for students Restrictions on union activities imposed by the law relating to charities**

Under section 22(4)(b) of the Education Act 1994, the University is obliged to draw to the attention of students the restrictions imposed on the activities of the Student Union by the law relating to charities.

Resources provided to the Union through the University of Bristol should be used only for charitable purposes, in representing and furthering the interests of students so as to enhance the educational aims of the University.

By way of example, it would be proper for the Union to finance debate on controversial issues, the formation and running of clubs and societies, the publication of a student newspaper and representation on University governing bodies. However Union resources should not be used to campaign or lobby in support of any particular political party or religious organisation.

Further advice may be found in the booklet CC9: Guidance on Political Activities and Campaigning by Charities, published by the Charity Commissioners for England and Wales.

*Last amended July 2014*



## 20. Fitness to Study Policy and Procedure

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### **Policy**

#### **1. What is fitness to study?**

Fitness to study relates to an individual's capacity to participate fully and satisfactorily as a student, in relation to academic studies and life generally at the University of Bristol.

The University is committed to supporting student wellbeing and recognises that a positive approach to the management of physical and mental health is crucial to student learning and academic achievement.

#### **2. The purpose and scope of this policy**

The purpose of this policy is to provide a suitable and co-ordinated response by academic and support staff in circumstances where:

- the situation is deemed to be urgent; and
- other internal procedures such as the progress rules or the Student Disciplinary Regulations are not appropriate; and
- all other avenues within schools and faculties have been exhausted.

This policy does not relate to fitness to practise – certain professional programmes have fitness to practise procedures which operate outside the scope of this policy.

#### **3. When to use this policy**

This policy should be used when a student's fitness to study is a cause for concern and all other procedures or options have been considered or exhausted. A student's fitness to study may be a cause for concern as a result of a wide range of circumstances, including (but not restricted to) the following:

- Behaviour which would usually be dealt with as a disciplinary matter, which may be known to be or suspected to be the result of an underlying physical or mental health difficulty.
- A student's health difficulties are adversely affecting the health, safety or wellbeing of themselves or others.
- The student's academic performance or personal conduct is not acceptable and may be known to be or suspected to be the result of an underlying physical or mental health problem.

## **4. Informal action within schools and faculties**

It is expected that schools and faculties will approach students once concerns regarding fitness to study have been raised and attempt to resolve the matter by informal discussions with the student. The student should be encouraged to use one or more of the support services offered by the University.

Specific academic arrangements should be considered and action plans agreed with the student, which are regularly reviewed.

The majority of cases can be resolved this way.

## **5. Procedure**

### **5.1. Stage 1 – Case Review**

The Fitness to Study policy can be invoked when all informal avenues have been unsuccessful, the other procedures available such as the progress rules and the Student Disciplinary Regulations have been considered and deemed to be inappropriate and the student is not engaging and action plans have not been met.

A meeting of a Case Review Panel can be convened by the Faculty Education Manager (FEM) from the student's faculty, who will act as clerk to the Panel, usually made up of the following:

- An academic representative from the student's school
- the Faculty Undergraduate or Postgraduate Education Director
- a representative from the Student Services Division (normally not the person supporting and advising the student) - the Equality and Diversity Manager
- a representative from the Secretary's Office

Before the Case Review Panel meeting medical assessment may be sought, usually from the student's GP or medical practitioner. The student will be encouraged to consent to the assessment. The student will be able to submit documents for the Panel to consider and will be given a copy of any documents seen by the Panel. The student may request to attend all or part of the Case Review Panel meeting. The Panel will make a reasoned decision regarding whether the student should attend. If the student does attend, they will have the right to bring a friend or representative to the meeting.

A letter will be sent to the student after the meeting setting out any decision made and the reasons for the decision.

The Panel will order its proceedings as it sees fit and may call witnesses if necessary.

The outcome agreed by the Panel will normally be an outcome not already attempted as part of the informal action taken by the school or faculty. The outcomes available to the Panel are:

- No further action required
- To monitor the student formally for a specific period of time. An action plan will be agreed with the student detailing any steps the student will need to take and the support to be provided to the student. This action plan will normally detail different actions to any plan previously agreed as part of the informal action taken by the school or faculty. Regular review meetings will be arranged with the student and a nominated member of staff. The student should be made aware of what will happen if the action plan is breached, which will normally involve their case moving to stage 2.
- To recommend a specific academic arrangement be put in place which may include a suspension of studies. Such recommendations should be agreed by 3 the student's school and faculty where appropriate (normally the representatives on the Panel) and the student. If the student does not agree, the case will move on to stage 2.
- To refer the case to a Fitness to Study Panel, under stage 2 of this procedure. This will be appropriate in serious cases, for example where there is evidence of a serious risk to the health and safety of the student or others in the university community. This course of action would be used when it is considered that suspension, temporary exclusion, permanent exclusion or withdrawal may be the appropriate course of action or if the student has not agreed to a recommendation or action plan made under stage 1.