

with the Head of School who shall satisfy himself or herself of the bona fides of the student before releasing the scripts for marking.

Improper Behaviour of Candidates

22.8 If an Invigilator has reason to suspect a candidate of giving or receiving information in the examination room, the candidate's name and table number should be noted and the circumstances reported to the Clerk of Senate.³¹

First Aid Cover and Fire Safety

22.9 A copy of the First Aid notice and Fire Safety notice on display in every Examination Hall will be provided to invigilators. It is the invigilator's responsibility to evacuate, manage and return candidates to the exam hall in the event of a fire alarm.

Conclusion of Examination

22.10 The end of the examination period must be announced. All scripts must be collected from each candidate individually and retained by the Invigilators on behalf of the School. The Library envelope should be sent to the University Librarian by internal mail. The School envelope should be taken or sent back to the School. Before leaving the room, an Invigilator must complete a report to the Registry on the form provided showing the number of candidates at the examination and the number of scripts collected: this report should be hand delivered to the Registry.

22.11 Invigilators must check the scripts received against the Candidate's Attendance Form in the event of any discrepancy. To preserve the anonymity of scripts all Candidate Lists and Attendance Forms must be lodged with the Head of School or other designated co-ordinator before the scripts are distributed for marking.

Illegible Examination Scripts

22.12 If examiners find a substantial part of an examination script to be illegible, the candidate in question will be required to come to the University to dictate their script to a third party in the presence of an invigilator. The invigilator will be in possession of a copy of the script in question in order to follow the candidate's dictation of their script. A charge will normally be levied for this procedure.

23 APPOINTMENT OF EXTERNAL EXAMINERS FOR TAUGHT COURSES AT UNDERGRADUATE AND POSTGRADUATE LEVEL

23.1 External examiners are usually appointed for four years, normally commencing on 1 October and completing their term of office on 30 September four years later. Once an external examiner's four-year term of office has expired, he or she may not be re-appointed as an external examiner for the University until five years have elapsed.

Occasionally, an external examiner may have been appointed for a term of office of less than four years. In such cases, the examiner's term of office may be extended, on application to the Senate Office.

The Senate Office advises Heads of School when an external examiner's appointment is due to expire and requests that steps be taken to appoint a replacement, except by agreement of the Senate.

Appointment Process

1. Head(s) of School completes a nomination form (see www.gla.ac.uk/services/senateoffice/gea/externalexaminers) and signs it. The form must be signed and endorsed by all the Head(s) of School, contributing to the course/programme.
2. The form is then passed to Senate Office for approval.
3. After consideration and approval, an appointment letter is sent to the examiner. Copies of this appointment letter are also sent to the Head of School Administration.

Appointment

On appointment external examiners receive the following information:

- Note of Guidance for External Examiners for Undergraduate and Postgraduate Courses
- Guide to the Code of Assessment – Grading Student Performance
- Schedule A
- Code of Assessment
- Registration Form

³¹ Invigilators retain the right to remove candidates who are found to be causing a disturbance to other candidates. Details of the University's Procedures for Managing the Improper Behaviour of Candidates during a Written Examination can be found on the Registry website at: www.gla.ac.uk/services/registry/support/exams/

24 EXAMINATION AND OTHER ASSESSMENT ARRANGEMENTS FOR DISABLED STUDENTS

Procedure

24.1 Disabled students or those with a chronic health condition or a specific learning difficulty should contact the University's Disability Service at the earliest opportunity to allow adequate time for the needs assessment to take place and for Academic Schools to be informed of appropriate support needs on course. Evidence of the condition or disability should be brought to the first interview with the Disability Adviser. A needs assessment interview cannot be carried out without formal professional evidence of a disability, specific learning difficulty or chronic health condition being given to the Disability Service.

24.2 Students with a specific learning difficulty, such as dyslexia, should provide the Disability Service with recent professional evidence which includes recommendations for support in examinations. The assessment report should normally be dated not more than three years prior to entry onto the course. The dyslexia assessment should have been conducted by a Chartered Educational Psychologist accredited by the British Psychological Society. If the report is considered not fit for purpose, the University will require the student to be re-assessed. Arrangements can be made with the Disability Service for students to have an updated re-assessment carried out.

24.3 Following the needs assessment interview with the Disability Adviser, the agreed information will be entered into the *MyCampus* student record system. This will trigger an electronic email alert to the Exams section of Registry as well as the student's Adviser of Studies and the Disability Coordinators within his/her Academic School.

www.gla.ac.uk/services/disability/staff/dcs/

It is the responsibility of Disability Coordinators and the Registry to ensure that the recommended examination or assessment arrangements are made at School level, including any accommodation or equipment requirements. Disability Coordinators must also ensure that all relevant internal and external examiners are informed. The Disability Service and the Registry can be consulted should any enquiries arise.

24.4 Before each examination diet the Registry will extract from the student record system a list of all current disabled students for whom examination arrangements have been agreed and this list will be sent to Schools.

Disability Coordinators will also be sent a list of disabled students taking courses in their Schools for whom exam support is recommended. (This list will normally accompany the final version of the timetable for each diet of examinations.)

Temporary Disabilities

24.5 In cases of temporary disability the Clerk of Senate should be notified by the Head of School if examination arrangements are required. All arrangements for students with temporary disabilities must be approved by the Clerk of Senate. The remit of the Disability Service does not extend to students with a temporary disability. Temporary disabilities include students with broken limbs or fractures which cause difficulty with handwriting in examinations.

Range of Provisions

24.6 Examples of examination arrangements include:

- extra time
- separate accommodation
- use of a scribe
- use of a reader
- use of a computer
- enlarged print exam paper or exam paper in Braille

Extra time to sit an examination

24.7 Depending on their support needs, most disabled students will be granted 25% extra time to sit an examination. In a small number of exceptional cases extra time in addition to 25% can be granted, at the discretion of the Clerk of Senate, for those with complex and severe impairments. The extra time granted will in most cases be before the start of the examination or, failing which, after the end of the examination. In the case of some disabled students, it may be necessary to grant rest breaks for the candidate at intervals during the course of the examination.

24.8 Heads of School and Invigilators should ensure that students granted extra time experience as little disruption as possible as a result of the arrival or departure of other candidates.

Separate accommodation to sit an examination

24.9 An arrangement to provide separate accommodation to sit an examination may be required to meet the needs of some disabled students, for example, when the use of a scribe or a reader is recommended or when medical evidence recommends this provision. The presence of a separate Invigilator is always required in these circumstances.

Use of a scribe

24.10 A scribe may be employed when recommended in a needs assessment by the Disability Service. A student who requires a scribe for a temporary disability should seek advice from their School in the first instance.

24.11 Selection of a scribe. The student is not involved in the selection of the scribe for his or her examinations.

School staff are responsible for the selection of a scribe who:

- is familiar with the subject(s) concerned;
- has no personal interest in the success of the candidate;
- is not a relative of the candidate;
- is not a teacher who is involved in the candidate's study of the subject;
- is not a student taking the same course as the candidate;
- is of good hearing;
- has clearly legible handwriting;
- is a person acceptable to the candidate;
- should be selected in good time prior to any examination.

The Disability Service can be consulted if there are difficulties with the recruitment of a suitable scribe.

24.12 Duties of a scribe

The scribe's duty is to transcribe only what is dictated or written by the candidate;

The scribe may exercise discretion regarding spelling, punctuation etc;

Except with the agreement of the Disability Coordinator or when specifically employed as both scribe and reader, the scribe may not read the question paper rubrics or the questions to the candidate;

The scribe may read back the candidate's responses to the candidate, as requested;

The scribe should converse with the candidate only insofar as this is necessary to clarify his or her instructions;

If it is deemed necessary, the scribe may be instructed by the candidate to draw maps, diagrams, graphs, etc., but in such instances, the scribe should do no more than follow the student's explicit instructions;

Generally speaking, the aim of the scribe is to ensure that the candidate is not disadvantaged by his or her disability or condition, while getting no unfair assistance.

www.gla.ac.uk/services/disability/staff/exams/

24.13 Practice with the candidate

It is advisable for the scribe and the candidate to have the opportunity to practise answering a question paper under examination conditions.

Scribes should be selected sufficiently far in advance of the examination to allow for such practice.

24.14 Payment of a scribe

The Disability Service is responsible for the payment of scribes. Either the School can request the Disability Service to recruit and pay the scribe, or the School can employ their own GTAs and claim the money back from the Disability Service. The hourly rate of pay for all scribes is the usual rate for Graduate Teaching Assistants - see Atypical Worker payment rates www.gla.ac.uk/services/humanresources/staff/mgrs-admin/atypical_work/

24.15 Change in intention to use a scribe

If permission to use a scribe has been granted, but the student does not use the scribe, the student should be referred back to the Disability Service for a review of exam arrangements before the next diet of exams.

Use of a reader

24.16 In some circumstances, a reader may be employed in place of a scribe or as well as a scribe. The scribe and reader can be the same person. In such circumstances similar arrangements to those above will apply.

Use of a computer in an examination

24.17 A computer cluster is available in the Library for use in examination diets. Printing facilities are also provided via pen drives supplied by the cluster manager. Invigilation for the Computer Cluster is provided and arranged by Registry. Schools may also make local arrangements to facilitate a student's use of a computer, particularly when a student requires separate accommodation on their own for an examination.

Anonymous Marking of Scripts

24.18 The overriding principle is fairness to *all* candidates. This requires that, as far as possible, a uniform and consistent approach be adopted in the marking of anonymous scripts in credit-bearing examinations.

24.19 The script books used by disabled students for whom examination arrangements have been approved should not be identifiable in any way. (Sometimes, though, as when the use of a word-processor has been approved, breaking of anonymity may be unavoidable.) Coloured paper will not be approved for use in script books; coloured overlays or precision tinted lenses can be used instead, if required.

24.20 Appropriate information about a candidate's disability will be made known to and taken proper account of at, and only at, the meeting of the relevant Board of Examiners.

24.21 If, for any reason, a candidate is not provided with the approved arrangements (e.g. extra time) the Invigilator should report the circumstances to the Head of School concerned who will inform the relevant Board of Examiners. The Board of Examiners will determine the appropriate compensation.

25 CODE OF PRACTICE FOR EXCEPTIONAL INTERNATIONAL EXAMINATION ARRANGEMENTS

25.1 Arrangements to sit examinations away from the University may be made for students in exceptional cases. Such arrangements will normally only be authorised for examinations which take place outside semesters 1 and 2. Such students will normally have their place of ordinary residence outside the UK and have difficulty returning to the University to sit examinations. In exceptional circumstances students whose place of ordinary residence is in the UK may also have international examination arrangements made in terms of clause 5 below. Requests to sit examinations elsewhere in the UK will only be considered in exceptional circumstances, such as serious medical grounds or bereavement,

25.2 Procedure

1. Any international student requesting special arrangements to be made should submit the request to the Registry at the earliest opportunity to allow time for the arrangements to be made. (Requests must, in any case, be submitted prior to the relevant enrolment period for the examinations.). Requests for special arrangements may be rejected where the Head of Registry considers that there is insufficient time from the receipt of the request to the date of the examination to reasonably allow for satisfactory arrangement to be made. In these circumstances the student will be expected to return to the University of Glasgow to undertake the examination.
2. The Head of the Registry will check that the student's recorded place of ordinary residence is outside the UK and that a suitable location for the examination can be found. This will normally be a British Council Centre in the country of residence. Where one does not exist an arrangement may be made by the Head of Registry with a partner institution of the University of Glasgow in the country of residence. Failing this the student must travel to the nearest British Council or return to the University of Glasgow to undertake the examination.

The agreement of the relevant Head of School will be sought regarding the appropriateness of the arrangements proposed.
3. All necessary arrangements will be made by the Registry.
4. The international examination must take place at the same time as the examination held in Glasgow.
5. Any requests for special arrangements away from Glasgow outwith the terms of these rules, including requests to sit exams elsewhere in the UK, will require the approval of the Clerk of Senate as well as the appropriate Head of School.
6. Students will be required to pay an administrative charge and to cover any other costs of the special arrangements made that may be charged by the venue. Details of current charges are available from the Registry.

26 CODE OF PROCEDURE FOR APPEALS BY STUDENTS AGAINST ACADEMIC DECISIONS

The Code of Procedure for Appeals by Students against Academic Decisions is governed by Resolution No. 570 of the University Court which came into effect on 1 September 2006.

26.1 Introduction

The University has a duty to maintain and enhance the quality of provision for students and to provide an effective system for handling appeals and complaints. This section states the procedure for regulating appeals against academic decisions affecting students other than decisions taken in respect of proceedings under the Code of Student Conduct which is found in Section 32 or the Complaints Procedure which is contained in Section 29.

26.2 Principles

26.2.1 A student should have a full opportunity to raise an appeal against an academic decision without fear of disadvantage and in the knowledge that confidentiality shall be respected.

26.2.2 Registered students should be directed to the website containing the Code of Procedure for Appeals by Students against Academic Decisions and should be provided with advice concerning sources of support and advice including the Students' Representative Council.

26.2.3 Clear guidance should be provided on the University website to direct a student to sources of advice with regard to the University's compliance with the Data Protection Act and the Freedom of Information Act.

26.2.4 Members of College Appeals Committees and the Senate Appeals Committee should be appointed annually and should receive an annual briefing. A member should normally serve for a period of three years.

26.2.5 A representative of the student body who is present at an appeal as an observer should be given appropriate guidance.

26.2.6 The Senate Appeals Committee and each College Appeals Committee should provide an annual report to Senate containing a review of its activities in relation to academic appeals.

26.2.7 Where an appeal is upheld, the University should defray reasonable and proportionate incidental expenses necessarily incurred by the student in the process of pursuing the appeal. Incidental expenses do not include the cost of obtaining legal advice. This expense is not considered to be necessary as the processes of the University are provided as an alternative to the process of judicial review.

26.2.8 The University reserves the right to suspend procedures for appeal if the student behaves inappropriately. In such cases the Clerk of Senate or his/her nominee shall suspend procedures and advise the student accordingly. Misconduct may be deemed to be in breach of the Code of Student Conduct and disciplinary proceedings invoked.

26.3 Definition of an Appeal

26.3.1 An appeal is defined as a request for a review of a decision of an academic body charged with making judgements concerning student progression, assessment or awards.

26.3.2 A student may appeal (request a review of an academic decision) on the grounds of defective or unfair procedure by the academic body or a failure of the academic body to take account of medical or adverse personal circumstances submitted in accordance with the Code of Assessment (See Section 16).

26.3.3 A student may appeal on the grounds of medical or adverse personal circumstances that were not previously presented to the relevant academic body, if good reason is provided for the failure to present these circumstances in accordance with the standard procedure.

26.3.4 The provision for medical evidence or evidence of adverse personal circumstances is not designed to compensate for underperformance due to these circumstances nor are Examiners expected to infer how a candidate might have performed if unaffected. Where a candidate's performance is borderline between grades or classifications of Honours, provision of such evidence shall not raise the candidate to the higher grade or classification.

26.3.5 The provision for taking account of adverse medical or personal circumstances in the Code of Assessment concerns the sudden unforeseen onset of illness or adverse personal circumstances affecting the student. It is not intended to apply to chronic or persistent illness or to long-term adverse personal circumstances affecting a student's preparation for examinations and/or attendance at examinations or the submission of written work by the due date. **Examiners will mark and classify the performance as it stands and will not judge undemonstrated capability.** Where there is chronic illness, good cause shall only be established where the candidate's performance has been compromised by a sudden severe episode of the illness.

26.3.6 **A student may not appeal to a College or to the Senate Appeals Committee against an academic decision in respect of marks awarded for academic work (other than the imposition of a penalty³²), decisions of examiners or other matters of academic judgement unless the grounds of the appeal are contained in §26.3.2 and §26.3.3 above.**

26.3.7 **A former student may not appeal once he/she has graduated from the University. By graduating, the former student is deemed to have accepted the recommendation of the Board of Examiners and the decision of the appropriate College. Exceptionally, if evidence emerges that the conduct of the Board of Examiners was defective or that the Board was deprived of essential information, an appeal may be allowed.**

26.4 The Appeal Process

26.4.1 The Senate is charged by the *Universities (Scotland) Acts* with a duty to superintend the teaching of the University. This is understood to include examining. The Senate has authorised the establishment of College Committees to hear appeals in the first instance, as specified in the Code of Procedure for Appeals to a College Appeals Committee, which is set out below in Section 27.

26.4.2 A student may further appeal against the decision of the relevant College Appeals Committee to the Senate. The Code of Procedure for Appeals to the Senate is set out, after the College Appeals Code (see Section 28).

26.4.3 Where the appeal is made to the Senate on the grounds that the disposal at College level was manifestly unreasonable, the letter of appeal must clearly and fully specify in what respects the student believes the College Appeals Committee was mistaken in its decision.

³² For example, an appeal may be made against a reduction in grade or secondary band imposed under the University's *Penalties for Late Submission of Coursework* which are stated in the Code of Assessment (see Section 16).

26.4.4 Section 6(2) of the *Universities (Scotland) Act*, 1889, gives the University Court power to review any decision of the Senate. The University Court has devolved its responsibilities in this respect to an external adjudicator.³³ Although the decision of the external adjudicator is not legally binding on the University Court, the expectation is that the University Court shall accept the decision and any accompanying recommendations.

27 CODE OF PROCEDURE FOR APPEALS TO A COLLEGE APPEALS COMMITTEE

(For Undergraduate, Taught Postgraduate and Research Postgraduate Students)

The Code of Procedure for Appeals to a College Appeals Committee is governed by Resolution No. 570 of the University Court which came into effect on 1 September 2006.

27.1 Informal Resolution

Prior to submitting a formal appeal to College, students are advised to discuss the matter with an Adviser of Studies or equivalent, Supervisor, Course Co-ordinator or Head of Student & Academic Administration in an attempt to resolve the matter informally. The Students' Representative Council will provide the services of a trained student advocate to assist or to represent a student in seeking an informal resolution. A copy of the Code of Procedure for Appeals shall be provided to the student and to his or her representative.

27.2 College Appeals Committee - Jurisdiction

27.2.1 The jurisdiction of the College Appeals Committee shall comprise all academic decisions concerning progress, assessment or award other than decisions taken in respect of proceedings under the Code of Student Conduct which is contained in Section 32, the Complaints Procedure which is contained in Section 29 or the Procedure for Determining Fitness to Practise which is contained in Section 34.

27.2.2 The Committee shall not have authority to alter an academic decision. If relevant factors are raised by the appeal which should have been made known to the Board of Examiners or which the Board failed to take into account, the Committee shall instruct the Board to reconvene to reconsider the assessment.

27.2.3 The Committee shall not have authority to permit the resubmission of a thesis for a degree by research where a Committee of Examiners following due process, has recommended rejection of the thesis or resubmission for a lower degree. If the appeal reveals failure on the part of a College to meet the standards set by the Code of Practice for Postgraduate Research Degrees, the student may raise a complaint under the Complaints Procedure contained in Section 29 of the *University Calendar*.

27.3 Lodging an Appeal

Time within which an appeal is to be lodged and late appeals

27.3.1 Where an appeal lies against an academic decision in terms of §26.3; *Definition of an Appeal*, the appeal or an intimation of intention to appeal shall be submitted in writing to the Head of Student & Academic Administration for the attention of the Head of College within 10 working days³⁴ of the intimation to the student of the decision against which the student is appealing. Where an intention to appeal is submitted, the full appeal including the grounds and the remedy shall be submitted within 20 working days of the date of the letter intimating intention to appeal.

27.3.2 An application for an extension of time for submitting i) an intimation to appeal beyond 10 working days, or ii) a full appeal letter beyond 20 working days, shall be made in writing to the Head of Student & Academic Administration for the attention of the Head of College and shall include sufficient information concerning the nature of the appeal, shall state the grounds on which an extension of time is sought and be accompanied by such evidence of medical or other adverse personal circumstances as are relevant to the application.

27.3.3 The timescale of 10 working days to intimate an intention to appeal combined with 20 working days to submit an appeal is designed to provide sufficient time for preparation of the appeal. Appellants are responsible for ensuring that arrangements such as; consultations with representatives, and data requests made under Data Protection or Freedom of Information legislation, are initiated at the beginning of the process. In considering any request from an appellant for an extension to the normal timescale for submission of an appeal, the timeliness of the appellant's own actions will be taken into account.

27.3.4 An application for extension of time for submitting an appeal, or an intimation to appeal, shall not be granted unless the Convener of the College Appeals Committee is satisfied that the student was precluded from appealing within 20 working days, or intimating the appeal within 10 working days, as a result of serious illness or other circumstances which are both exceptional and relevant to the appeal.

³³ External adjudication will be provided by the Scottish Public Services Ombudsman (www.spsso.org.uk/).

³⁴ For the purposes of this Code, Monday to Friday are counted as working days except when the University is closed for a Public Holiday (as listed at www.gla.ac.uk/services/humanresources/staff/all/worklife/holidays/public/). Saturdays and Sundays are not counted as working days.

27.3.5 A letter of appeal or other documents required for the consideration of an appeal shall be treated as having been given or sent on the day that it is received by the Head of Student & Academic Administration; and any letter or document sent to any person including the student in connection with the appeal shall, if sent to the person's last notified address, be treated as having been given or sent on the day that it was posted.

Grounds for Appeal

27.3.6 A College Appeals Committee shall entertain an appeal against a decision of an academic body only on the following grounds:

- i) unfair or defective procedure;
- ii) a failure to take account of medical or other adverse personal circumstances;
- iii) there are relevant medical or other adverse personal circumstances which for good reason have not previously been presented.

27.3.7 In the case of a claim of unfair or defective procedure, evidence in the form of written statements or formal documents such as the Minute of the Board of Examiners must be provided. Advice on a subject data access request can be obtained from the Data Protection Office at:

www.glasgow.ac.uk/dpfooffice/a-ztopics/subjectaccessrequestsar/

27.3.8 In the case of a claim of a failure to take account of medical or other adverse personal circumstances, the student shall be referred to §26.3; *Definition of an appeal*.

Content of a letter of appeal to a College

27.3.9 A letter of appeal should be concise and shall state:

the name and address of the student and the telephone number and email address, if available;

the decision appealed against;

all the grounds for the appeal: additional grounds may be admitted subsequently only at the discretion of the Convener; additional grounds presented at a hearing may lead to adjournment of the hearing;

the remedy or remedies which the student seeks;

the name and address of any person whom the student has appointed as a representative or who will accompany the student at the hearing;

whether the student wishes to be present at an oral hearing or whether he/she is content for the appeal to be considered without his/her presence.

Evidence of medical or other adverse personal circumstances

27.3.10 A student who wishes to appeal on grounds of medical or other adverse personal circumstances shall provide a medical report³⁵ from his/her General Practitioner, or Hospital Consultant. The medical report shall detail the severity, duration and possible impact of the medical condition on the student's academic performance. Where the student wishes to appeal on the grounds of adverse personal circumstances, a written statement by an independent witness must be provided. The report shall detail the severity, duration and possible impact of the circumstances.

27.3.11 Where the student has failed to notify the Head of School of medical or other adverse personal circumstances in compliance with §16.46 of the Code Assessment, the letter of appeal shall contain a statement explaining the exceptional circumstances which prevented notification within the stated time.

27.4 College Appeals Committee - Constitution

27.4.1 Each College shall establish a College Appeals Committee (hereinafter referred to as the Committee) which shall have full powers to decide appeals.

27.4.2 The Committee shall be constituted as follows:

- i) The Committee shall be convened by the Head of College or his/her nominee.
- ii) Up to 14 members will be drawn from the membership of the College, with representation from each of the Schools within the College. The membership will be individuals with experience of assessment, teaching and supervision at undergraduate and postgraduate (including research) levels. One member shall be appointed as the Vice-Convener.
- iii) Members of other College Appeals Committees of the University may also be co-opted onto the College Appeals Committee to hear specific appeals with the proviso that they must not have had any involvement with the academic decision being appealed against.

27.4.3 The membership of the Committee shall be reported to Senate annually. Members shall normally serve for a period of three years.

³⁵ A charge in excess of £20 may be made by a GP for provision of a medical report.

27.4.4 No member of the Senate Appeals Committee shall be entitled to serve on the Committee. Where a member of the Committee has participated directly in the decision appealed against, that member shall not sit for that individual appeal. A member of the College Appeals Committee may not sit on an appeal hearing where he or she has been party to an earlier dismissal of the appeal under preliminary disposal.

27.4.5 The quorum of the Committee to consider a specific student appeal shall be three; this shall comprise the Convener, plus at least two members who can each be drawn from either section ii) or iii) in §27.4.2 above.

27.4.6 The Committee may have the assistance of a legal adviser.

27.4.7 The Head of Student & Academic Administration of the College concerned or his/her nominee shall act as Clerk to the Committee.

27.5 Consideration of Appeals

Power to give directions

27.5.1 The Head of College or his/her nominee may direct the student (or his or her representative) or any party to the proceedings to furnish additional evidence, information or explanation as may be thought to be appropriate.

27.5.2 A direction to the student (or his or her representative) shall state the period of time by which the student shall respond in writing following which the appeal may be dismissed by the Head of College or Convener of the College Appeals Committee.

Preliminary disposal

27.5.3 The Head of College or his/her nominee in consultation with two members of the College Appeals Committee may make a preliminary disposal in order to accelerate a decision or where the student is no longer available for a hearing³⁶. The Convener of the Committee may:

- i) dismiss the appeal because the subject-matter does not fall within the scope of §27.3.6;
- ii) dismiss the appeal because no competent grounds have been stated or because the appeal is frivolous or vexatious or because the appeal is out of time or because the student failed to comply with a direction made;
- iii) dismiss the appeal because it does not establish a *prima facie* case that the decision appealed against involved defective or unfair procedure, or a failure to take relevant evidence of adverse personal circumstances into account;
- iv) dismiss the appeal because the evidence submitted could reasonably have been presented to the Board of Examiners or other academic body;
- v) refer the appeal directly to the appropriate academic body responsible for the application of the progress regulations or to the Board of Examiners with whatever guidance or direction he/she considers appropriate;
- vi) refer the appeal to a full hearing before the College Appeals Committee. Provision of a hearing does not imply that a *prima facie* case has been established.

27.5.4 The Convener of the Committee may also take such other interim action by way of direction as he/she deems appropriate.

27.5.5 The Clerk to the Committee shall state in the letter to the student (or his or her representative) intimating the outcome of the preliminary disposal the reasons for the decision and shall provide the papers which were considered by the Committee.

27.5.6 An appeal which has been dismissed under preliminary disposal may be reinstated if the student (or his or her representative) makes representation stating that the College overlooked an aspect of the original appeal. The representation and the reasons shall be made in writing within 10 working days of the date of letter intimating the outcome of the preliminary disposal. The Head of College shall nominate a member of the College Appeals Committee, who was not party to the decision made by preliminary disposal, to decide whether the appeal shall be reinstated. An appeal can only be reinstated if it is shown that the College did not consider one or more aspects of the original appeal. In cases where the student considers there to be new evidence relevant to the appeal, or that the disposal of the appeal by College was manifestly unreasonable or involved defective procedure, the student should follow the procedure for appealing to the Senate Appeals Committee.

27.6 Arrangements for a Hearing Before the College Appeals Committee

Timing of the hearing

27.6.1 When a hearing is required, the Committee shall meet within 20 working days of receipt of the letter of appeal. Where this is not possible the appellant should be informed as soon as possible within the 20 day period and be given the reason(s) for the delay.

³⁶ The timing for the consideration and notification of the appeal outcome should not exceed that set for cases considered by a full hearing as specified in §27.6.1 and §27.10.4 of this Code. Therefore the decision should be issued within 30 working days of receipt of the letter of appeal. Where this is not possible the appellant should be informed as soon as possible of the reason for the delay.

Preparation of papers

27.6.2 The Clerk of the Committee shall:

- i) request reports and information including information relating to the manner in which the decision appealed against was reached;
- ii) request the attendance of any person or persons whose presence is necessary for the hearing of the appeal;
- iii) provide the student (or his or her representative), normally 10 working days in advance of the hearing, with a copy of all papers which will be before the Committee and the names of those persons who will be in attendance. The papers will normally be sent by Recorded Delivery/University Courier or may at the student's request be collected in person.
- iv) notify the student (or his or her representative) no less than five working days prior to the hearing of the date, time and location of the hearing and the names of the members of the Committee who will consider the case.

27.7 Attendance at Hearing

27.7.1 Where the student is prevented from attending by ill health, the hearing shall normally be deferred on submission of medical evidence. If the student does not attend on the date appointed and no notification of the absence has been received, if the Convener is satisfied that the student has received due notice of the hearing, the Committee may proceed to deal with the case and to reach a decision in the student's absence.

27.7.2 The student shall have the right to be accompanied, assisted or represented at the hearing by one of the following: a parent or guardian; a fellow student or other friend; an Officer of the Students' Representative Council; a member of University staff, or any other person. Where the student seeks to have two individuals in attendance, one shall attend as an observer only.

27.7.3 The student may name any person or persons he/she wishes to be present to provide evidence on his/her behalf. The name of any person or persons called by the student to provide evidence shall be provided to the Clerk of the Committee no later than 10 working days before the date of the hearing. The student shall be responsible for arranging the attendance of such persons at the hearing with the exception of members of staff of the University who shall be notified of the date, time and location of the hearing by the Clerk to the Committee.

27.7.4 If any person or persons are unable or unwilling to attend the hearing, the Convener of the Committee shall be responsible for deciding if the hearing should proceed on the date arranged or be deferred. A written statement may be presented by any person who has been invited to attend the hearing but is not available at the date specified.

27.7.5 The hearing shall be held in private. Strict confidentiality shall be observed.

27.8 Expert Advice

27.8.1 Where the Committee requires the advice of an expert to deal with a question of fact or special difficulty, such an expert shall provide a written report and where appropriate shall be invited to attend the hearing to provide evidence.

27.9 Procedure for the Conduct of a Hearing

27.9.1 The Committee shall rely only on evidence presented at the hearing. Unauthorised electronic recordings of previous meetings or events will not be admissible as evidence at the hearing.

27.9.2 The hearing shall be conducted in the presence of all persons invited to attend to provide evidence.

27.9.3 Any unauthorised electronic recording of the hearing is expressly forbidden by the University.

Statements

27.9.4

- i) At the hearing, the Convener shall invite the student and his or her representative to make a statement. If the student declines the invitation to make a statement, the Committee shall reserve the right to question the student directly.
- ii) The Committee shall then address any questions to the relevant parties including those appearing to advise the Committee and shall afford the student and his/her representative an opportunity to question the persons involved through the Convener.
- iii) The Committee shall consider any request from any person present at the hearing to make a statement or to put questions through the Committee to anyone whom the Committee has examined.
- iv) The Committee shall afford the student an opportunity to make a final statement or to have one made on his or her behalf.
- v) The Convener shall seek confirmation from all parties that all necessary and relevant information has been conveyed to the Committee, that the questioning is complete and that in the opinion of the student, the hearing has been conducted in a fair manner.

Deliberation of the Committee

27.9.5 Thereafter all persons except the Committee, its Clerk and any legal adviser appointed to advise the Committee shall retire while the Committee considers its decision. The Committee shall reach its decision or defer the decision pending further investigations.

Rules of evidence

27.9.6 In reaching its decision, the College Appeals Committee shall not be bound by the rules of evidence. The Committee shall attempt to ascertain all relevant facts with a view to coming to a reasonable disposal.

Adjournment

27.9.7 At any stage the Convener may adjourn the hearing if he/she considers this to be necessary.

27.10 Disposal

27.10.1 The Committee shall decide the matter at the conclusion of its consideration of the appeal or as soon as possible thereafter.

27.10.2 The Committee may decide by a majority.

27.10.3 The Committee may:

- i) dismiss the appeal because the subject matter of the appeal does not fall within the scope of §26.3;
- ii) dismiss the appeal because the decision appealed against did not involve defective or unfair procedure, or a failure to take relevant medical or adverse personal circumstances into account;
- iii) refer the appeal to the appropriate committee or to a Board of Examiners with whatever guidance or direction it considers appropriate;
- iv) uphold the appeal and grant whatever remedy it considers fair in the circumstances which does not involve overturning an academic judgement.

27.10.4 The decision and the reasons for the decision, with reference to any findings of fact, will be provided in writing to the student and his or her representative by Recorded Delivery normally within 10 working days of the decision being determined. If it is not possible to provide the decision and the reasons for the decision within this timescale, the student will be informed of the reason for the delay and a new timescale will be provided.

27.10.5 Where an appeal is upheld, the University shall defray reasonable and proportionate incidental expenses necessarily incurred by the student in the process of pursuing the appeal.

27.10.6 Incidental expenses are those which arose out of the pursuit of an appeal. They might include travelling expenses or photocopying expenses. Expenses should be reasonable and proportionate. The claim should be supported by evidence in the form of receipts. Where the claim relates to travel expenses, these should be at the lowest rate that could be obtained taking account of the circumstances of the claim.

27.10.7 A claim for expenses should be made on a Complaints Expenses form and submitted to the Director of the Senate Office within 20 working days of the date of the letter of outcome of the appeal.

27.11 Annual Review

The College Appeals Committee shall review its proceedings annually.

28 CODE OF PROCEDURE FOR APPEALS TO THE SENATE APPEALS COMMITTEE

The Code of Procedure for Appeals to the Senate Appeals Committee is governed by Resolution No. 570 of the University Court which came into effect on 1 September 2006.

28.1 Senate Assessors for Appeals

28.1.1 The Senate shall appoint from its members two Senate Assessors for Student Appeals, one of whom shall be the Senior Senate Assessor for Student Appeals and the other shall be his or her deputy. Any of the duties of the Senior Senate Assessor may be performed by the deputy Senate Assessor.

The term of office shall normally be three years.

28.1.2 The duties of the Senate Assessors for Student Appeals shall include consideration of the admissibility of late appeals, directing the student with respect to further information, consideration of appeals under the preliminary disposal procedure, convening a hearing before the Senate Appeals Committee, notifying the outcome to the student and reporting the outcome with any recommendations to Senate.

28.2 Jurisdiction of the Senate Appeals Committee

28.2.1 The Senate Appeals Committee shall consider appeals by Undergraduate Students, Taught Postgraduate Students and Research Postgraduate Students against a decision of a College Appeals Committee which falls within the scope of grounds for an appeal to Senate.

28.2.2 The Committee shall not have authority to alter the decision of a Board of Examiners. If relevant factors are raised by the appeal which should have been made known to the Board of Examiners or which the Board failed to take into account, the Committee shall instruct the Board to reconvene to reconsider the assessment.

28.2.3 The Committee shall not have authority to permit the resubmission of a thesis for a degree by research where a Committee of Examiners following due process, has recommended rejection of the thesis or resubmission for a lower degree. If the appeal reveals failure on the part of a School or a College to meet the standards set by the Code of Practice for Postgraduate Research Degrees, the student may raise a complaint under the Complaints Procedure contained in Section 29 of the *University Calendar*.

28.3 Lodging an Appeal

Time within which an appeal is to be lodged and late appeals

28.3.1 Where an appeal lies against a decision of the College Appeals Committee in terms of §28.4.1 below, the appeal or an intimation of intention to appeal shall be submitted in writing to the Director of the Senate Office for the attention of the Senior Senate Assessor for Student Appeals, within 10 working days³⁷ of the intimation to the student of the decision against which the student is appealing. Where an intention to appeal is submitted, the full appeal shall be submitted within 20 working days of the date of the letter intimating the intention to appeal.

28.3.2 An application for an extension of time for submitting i) an intimation to appeal beyond 10 working days, or ii) a full appeal letter beyond 20 working days, shall be made in writing to the Director of the Senate Office for the attention of the Senior Senate Assessor for Student Appeals and shall include sufficient information concerning the nature of the appeal, shall state the grounds on which an extension of time is sought and be accompanied by such evidence of medical or other adverse personal circumstances as are relevant to the application.

28.3.3 The timescale of 10 working days to intimate an intention to appeal combined with 20 working days to submit an appeal is designed to provide sufficient time for preparation of the appeal. Appellants are responsible for ensuring that arrangements such as; consultations with representatives, and data requests made under Data Protection or Freedom of Information legislation, are initiated at the beginning of the process. In considering any request from an appellant for an extension to the normal timescale for submission of an appeal, the timeliness of the appellant's own actions will be taken into account.

28.3.4 An application for extension of time for submitting an appeal, or an intimation to appeal, shall not be granted unless the Senior Senate Assessor for Student Appeals or his or her deputy, is satisfied that the student was precluded from appealing within 20 working days, or intimating the appeal within 10 working days, as a result of serious illness or other circumstances which are both exceptional and relevant to the appeal.

28.3.5 A letter of appeal or other documents required for the consideration of an appeal shall be treated as having been given or sent on the day that it is received by the Director of the Senate Office; and any letter or document sent to any person including the student in connection with the appeal shall, if sent to the person's last notified address, be treated as having been given or sent on the day that it was posted.

28.4 Grounds for Appeal

28.4.1 An appeal may be made to the Senate Appeals Committee against a decision of a College Appeals Committee only on the grounds that:

- i) new evidence has emerged which could not reasonably have been produced to the College Appeals Committee and/or
- ii) there has been defective procedure by the College in its disposal of the appeal and/or
- iii) the disposal at College level was manifestly unreasonable.

28.4.2 Evidence of medical or other adverse personal circumstances must be provided in accordance with the Code of Assessment (§16.41 - §16.48).

28.4.3 In the case of a claim of unfair or defective procedure, evidence in the form of written statements or formal documents such as the Minute of the Board of Examiners must be provided. Advice on a subject data access request can be obtained from the Data Protection Office at:

www.glasgow.ac.uk/dpfoioffice/a-ztopics/subjectaccessrequestsar/

28.4.4 Where the student claims that the disposal at College level was unreasonable; the student must state in writing the respects in which he/she believes that the College Appeals Committee was mistaken in its decision.

³⁷ For the purposes of this Code, Monday to Friday are counted as working days except when the University is closed for a Public Holiday (as listed at www.gla.ac.uk/services/humanresources/staff/all/worklife/holidays/public/). Saturdays and Sundays are not counted as working days.

28.5 Content of a Letter of Appeal to the Senate Appeals Committee

28.5.1 A letter of appeal should be concise and shall state:

- i) the name and address of the student and the telephone number and email address, if available;
- ii) the decision appealed against;
- iii) all the grounds for the appeal: additional grounds may be admitted subsequently only at the discretion of the Convener; additional grounds presented at the hearing may lead to adjournment of the hearing;
- iv) the remedy or remedies which the student seeks;
- v) the name and address of any person whom the student has appointed as a representative or who will accompany the student at the hearing;
- vi) whether the student wishes to be present at an oral hearing or whether he/she is content for the appeal to be considered without his/her presence.

28.5.2 Where a student has failed to present to the College Appeals Committee medical or other adverse personal circumstances, the letter of appeal shall contain a statement explaining the exceptional circumstances which prevented this evidence from being presented previously.

28.6 Senate Appeals Committee - Constitution

28.6.1 The Committee shall be constituted as follows:

- i) The Senior Senate Assessor for Student Appeals or his/her deputy shall convene the Committee.
- ii) Five members of Senate nominated by each College to serve for a period of three years. The nominees will be individuals with experience of assessment, teaching and supervision at undergraduate and postgraduate (including research) levels. The nominees will not be members of any College Appeals Committee. One member shall be appointed as a Senate Assessor for Student Appeals and shall be the deputy to the Senior Assessor.

28.6.2 The membership of the Committee shall be reported to Senate annually. Members shall normally serve for three years.

28.6.3 A representative of the student body may attend the hearing in the role of observer unless the appellant has expressed the wish that no such representative shall be present.

28.6.4 Where a member of the Committee has participated directly in the decision appealed against or has an affiliation to the School(s) in which the appellant has been studying, that member shall not sit for that appeal. A member of the Committee may not sit on an appeal hearing where he or she has been party to an earlier dismissal of the appeal under preliminary disposal.

28.6.5 The quorum of the Committee shall be five. Exceptionally the Committee shall have powers to co-opt up to two members of Senate in order to obtain a quorum.

28.6.6 The Committee may have the assistance of a legal adviser.

28.6.7 The Director of the Senate Office or his or her deputy shall act as Clerk to the Committee.

28.7 Consideration of Appeals

Power to give directions

28.7.1 Upon receipt of a written appeal, the Senior Senate Assessor for Student Appeals or his or her deputy may direct the student (or his or her representative) or any party to the proceedings, to furnish additional evidence, information or explanation as may be thought to be appropriate.

28.7.2 A direction to the student (or his or her representative) shall state the period of time by which the student shall respond in writing following which the appeal may be dismissed by the Senior Senate Assessor.

Preliminary disposal

28.7.3 The Senior Senate Assessor for Student Appeals or his/her deputy in consultation with two members of the Senate Appeals Committee may make a preliminary disposal in order to accelerate a decision or where the student is no longer available for a hearing³⁸. The Senior Senate Assessor may:

- i) dismiss the appeal because the subject-matter of the appeal does not fall within the scope of §28.4 above;
- ii) dismiss the appeal because no competent grounds have been stated or because the appeal is frivolous or vexatious or because the appeal is out of time or because the student failed to comply with a direction made in terms of §28.7.1 and §28.7.2 above;

³⁸ The timing for the consideration and notification of the appeal outcome should not exceed that set for cases considered by a full hearing as specified in §28.8.1 and §28.12.4 of this Code. Therefore the decision should be issued within 30 working days of receipt of the letter of appeal. Where this is not possible the appellant should be informed as soon as possible of the reason for the delay.

- iii) dismiss the appeal because it does not establish a *prima facie* case that disposal at College level involved defective or unfair procedure, or a failure to take relevant medical evidence or adverse personal circumstances into account or was manifestly unreasonable;
- iv) dismiss the appeal because the new evidence submitted by the student could reasonably have been presented to the College Appeals Committee;
- v) set aside the decision of the College Appeals Committee and refer the appeal to the appropriate academic body responsible for the application of the progress regulations or to the Board of Examiners with whatever guidance or direction it considers appropriate;
- vi) refer the appeal to the College Appeals Committee with whatever guidance or direction it considers appropriate, which may include a direction that the appeal is heard again by a Committee which is not constituted by any member who was involved in the first decision;
- vii) refer the appeal to the Senate Appeals Committee for a full hearing. Provision of a hearing does not imply that a *prima facie* case has been established.

28.7.4 The Senior Senate Assessor or his or her deputy may also take such other interim action by way of direction as he or she deems appropriate.

28.7.5 The Clerk to the Committee shall state in the letter to the student (or his or her representative) intimating the outcome of the preliminary disposal the reasons for the decision and shall provide the papers which were considered by the Committee.

28.7.6 An appeal which has been dismissed under preliminary disposal may be reinstated if the student (or his or her representative) makes representation stating that the Senate Appeals Committee overlooked an aspect of the original appeal. The representation and the reasons shall be made in writing to the Senate Office within 10 working days of the date of the letter intimating the outcome of preliminary disposal. The decision on whether to reinstate the appeal shall be taken by whichever of the Senior Senate Assessor or the Deputy Senate Assessor did not convene the preliminary disposal, and shall be taken in consultation with the Clerk of Senate. An appeal can only be reinstated if it is shown that the Senate Appeals Committee did not consider one or more aspects of the original appeal.

28.8 Arrangements and Procedure for a Hearing

Timing of the hearing

28.8.1 When a hearing is required, the Committee shall meet within 20 working days of receipt of the letter of appeal. Where this is not possible the appellant should be informed as soon as possible within the 20 day period and be given the reason(s) for the delay.

Preparation of papers

28.8.2 The Clerk of the Committee shall:

- i) request a copy of the papers which were before the College Appeals Committee and a report of the hearing including information relating to the manner in which the decision appealed against was reached;
- ii) request any other reports or information relevant to the appeal
- iii) request the Convener of the College Appeals Committee to provide a written response to the statements made in the letter of appeal and to name any person or persons the College wishes to appear to provide evidence;
- iv) provide the student (or his or her representative), normally 10 working days in advance of the hearing, with a copy of all papers which will be before the Committee and the names of those persons who will be in attendance. The papers will normally be sent to the student by Recorded Delivery/University Courier or may at the student's request be collected in person.
- v) notify the student (or his or her representative) no less than 5 working days prior to the hearing of the date, time and location of the hearing and the names of the members of the Committee who will consider the case.

28.9 Attendance at Hearing

28.9.1 Where the student is prevented from attending by ill health, the hearing shall normally be deferred on submission of medical evidence. If the student does not attend on the date appointed and no notification of the absence has been received, if the Senior Senate Assessor or his/her deputy is satisfied that the student has received due notice of the hearing, the Committee may proceed to deal with the case and to reach a decision in the student's absence.

28.9.2 The student shall have the right to be accompanied, assisted or represented at the hearing by one of the following: a parent or guardian; a fellow student or other friend; an Officer of the Students' Representative Council; a member of University staff, or any other person. Where the student seeks to have two individuals in attendance, one shall attend as an observer only.

28.9.3 The student may name any person or persons he/she wishes to be present to provide evidence on his/her behalf. The name of any person or persons called by the student to provide evidence shall be provided to the Clerk of the Committee no later than 10 working days before the date of the hearing. The student shall be responsible for arranging

the attendance of such persons at the hearing with the exception of members of staff of the University who shall be notified of the date, time and location of the hearing by the Clerk to the Committee.

28.9.4 If any person or persons are unable or unwilling to attend the hearing, the Senior Senate Assessor for Student Appeals shall be responsible for deciding if the hearing shall proceed on the date arranged or be deferred. A written statement may be presented by any person who has been invited to attend the hearing but who is not available at the date specified.

28.9.5 The hearing shall be held in private. Strict confidentiality shall be observed.

28.10 Expert Advice

Where the Committee requires the advice of an expert to deal with a question of fact or special difficulty, such an expert shall provide a written report and where appropriate shall be invited to attend the hearing to provide evidence.

28.11 Procedure for the Conduct of a Hearing

28.11.1 The Committee shall rely only on evidence presented at the hearing. Unauthorised electronic recordings of previous meetings or events will not be admissible as evidence at the hearing.

28.11.2 The hearing shall be conducted in the presence of all persons invited to attend to provide evidence.

28.11.3 Any unauthorised electronic recording of the hearing is expressly forbidden by the University.

Statements

28.11.4 At the hearing:

- i) The Convener shall invite the student and his or her representative to make a statement. If the student declines the invitation to make a statement, the Committee shall reserve the right to question the student directly.
- ii) The Committee shall then address any questions to the relevant parties including those appearing to advise the Committee and shall afford the student and his/her representative an opportunity to question the persons involved through the Convener.
- iii) The Committee shall consider any request from any person present at the hearing to make a statement or to put questions through the Committee to anyone whom the Committee has examined.
- iv) The Committee shall afford the student an opportunity to make a final statement or to have one made on his or her behalf.
- v) The Convener shall seek confirmation from all parties that all necessary and relevant information has been conveyed to the Committee, that the questioning is complete and that in the opinion of the student, the hearing has been conducted in a fair manner.

Deliberation of the Committee

28.11.5 Thereafter all persons except the Committee, its Clerk and any legal adviser appointed to advise the Committee shall retire while the Committee considers its decision. The Committee shall reach its decision or defer the decision pending further investigations.

Rules of evidence

28.11.6 In reaching its decision, the Senate Appeals Committee shall not be bound by the rules of evidence. The Committee shall attempt to ascertain all relevant facts with a view to coming to a reasonable disposal.

Adjournment

28.11.7 At any stage the Convener may adjourn the hearing if he/she considers this to be necessary.

28.12 Disposal

28.12.1 The Committee shall decide the matter at the conclusion of its consideration of the appeal or as soon as possible thereafter.

28.12.2 The Committee may decide by a majority.

28.12.3 The Committee may:

- i) dismiss the appeal because the subject matter of the appeal does not fall within the scope of §26.3;
- ii) dismiss the appeal because the disposal at College level did not involve defective or unfair procedure, or a failure to take relevant medical or adverse personal circumstances into account or was not manifestly unreasonable;
- iii) dismiss the appeal because the new evidence submitted by the student could reasonably have been produced to the College Appeals Committee;
- iv) dismiss the appeal because the appeal is frivolous or vexatious; or if it is considered that the student suffered no material prejudice;

- v) refer the appeal to the appropriate College Committee or to a Board of Examiners with whatever guidance or direction it considers appropriate;
- vi) uphold the appeal and grant whatever remedy it considers fair in the circumstances which does not involve overturning an academic judgement.

28.12.4 The decision and the reasons for the decision, with reference to any findings of fact, will be provided in writing to the student and his or her representative by Recorded Delivery normally within 10 working days of the decision being determined. If it is not possible to provide the decision and the reasons for the decision within this timescale, the student will be informed of the reason for the delay and a new timescale will be provided.

28.12.5 Where an appeal is upheld, the University shall defray reasonable and proportionate incidental expenses necessarily incurred by the student in the process of pursuing an appeal.

28.12.6 Incidental expenses are those which arose out of the pursuit of an appeal. They might include travelling expenses or photocopying expenses. Expenses should be reasonable and proportionate. The claim should be supported by evidence in the form of receipts. Where the claim relates to travel expenses, these should be at the lowest rate that could be obtained taking account of the circumstances of the claim.

28.12.7 A claim for expenses should be made on a Complaints Expenses form and submitted to the Director of the Senate Office within 20 working days of the date of the letter of outcome of the appeal.

28.13 Reference Back to a College

28.13.1 The Senate Appeals Committee may decide to refer the matter to the College Appeals Committee where it considers:

- i) that evidence made available to the Senate Appeals Committee had not been presented to the College Appeals Committee, or
- ii) that there had been defective procedure at the College level, or
- iii) that the decision of the College Appeals Committee had been manifestly unreasonable.

28.13.2 In the first case, the Senate Appeals Committee may decide to refer the matter to the College Appeals Committee as originally constituted to hear the appeal in order to permit that Committee to hear the case *ab initio*.

28.13.3 In the second and third cases, the matter shall be considered by a newly constituted College Appeals Committee.

28.13.4 Where an appeal is made to the Senate against the decision of the College Appeals Committee following a reference back, it shall be competent for the Senior Senate Assessor for Student Appeals or his/her deputy, in consultation with at least two other members of the original Appeals Committee, either to dismiss the appeal or to recall the Senate Appeals Committee to hear the case.

28.14 Annual Review

28.14.1 The Senate Appeals Committee shall review its proceedings annually including a review of actions taken in respect of recommendations to Senate.

28.14.2 This shall conclude the internal processes of the University.

28.15 Independent External Review

If the appellant is dissatisfied with the outcome of an appeal to Senate, he/she shall have the right to a review by an external adjudicator,³⁹ details of which shall be available from the Senate Office.

29 COMPLAINTS PROCEDURE

29.1 Introduction

29.1.1 The University has a duty to maintain and enhance the quality of its provision and to provide an effective system for handling complaints. Complainants should have a full opportunity to raise individually or collectively, matters of proper concern to them without fear of disadvantage and in the knowledge that privacy and confidentiality will be respected.

29.1.2 This procedure operates in accordance with the University's Equality & Diversity Policy which requires that complainants will be treated fairly and consistently without discrimination.

29.1.3 Students should be aware that the Complaints Procedure is not the only means of raising concerns with the University. For instance, concerns about the quality or organisation of programmes of study might most effectively be referred in the first instance to the appropriate Staff/Student Committee through the Class/Year Representative or the Students' Representative Council (SRC) representative for the relevant area. Students can also discuss matters informally with the Head of School, Head of the Administrative Department or Support Service, an Adviser of Studies,

³⁹ External adjudication will be provided by the Scottish Public Services Ombudsman (www.spsso.org.uk).

Supervisor, Course Co-ordinator, College Administrator or other member of staff without invoking the Complaints Procedure.

29.2 Definition of a complaint

29.2.1 For the purpose of this procedure, a complaint may be defined as:

'An expression of dissatisfaction by one or more individuals about the standard of service, action or lack of action by or on behalf of the University.'

29.2.2 A complaint may relate to:

- the quality and standard of service;
- failure to provide a service;
- the quality of facilities or learning resources;
- treatment by or attitude of a staff member, student or contractor;
- inappropriate behaviour by a staff member, student or contractor;
- the failure of the University to follow an appropriate administrative process;
- dissatisfaction with University policy, although it is recognised that policy is set at the discretion of the University.

29.2.3 The definition of a complaint is very broad and the list above is not exhaustive. However, not every concern raised with the University is a complaint. For example, the following **are not complaints**:

- a routine, first-time request for a service;
- a request under the Freedom of Information (Scotland) Act or Data Protection Act;
- a request for information or an explanation of policy or practice;
- a response to an invitation to provide feedback through a formal mechanism such as a questionnaire⁴⁰ or committee membership⁴¹ will generally not be treated as a complaint;
- an insurance claim;
- an issue which is being, or has been, considered by a court or tribunal;
- an attempt to have a complaint reconsidered where the University's Complaints Procedure has been completed and a decision has been issued;
- a grievance by a member of staff which is eligible for handling through the [Grievance Procedure](#);
- a challenge to an academic judgement or an appeal against a decision concerning progress, assessment or award. (However, if the complaint concerns the quality of supervision or teaching which the complainant considers contributed to a failure to achieve a required academic standard, the matter should be considered under the Complaints Procedure.)

29.2.4 These issues will be dealt with under the alternative appropriate processes rather than under the Complaints Procedure. It should be noted, however, that some situations can involve a combination of issues, some are complaints and others are not, and each should be assessed on a case by case basis.

29.3 Who can make a complaint?

29.3.1 The Complaints Procedure covers complaints from anyone who receives, requests or is affected by the University's services. This includes, although is not limited to:

- a student's experience during their time at the University (all referred to as 'students' through the remainder of this document);
- members of the public, where they have a complaint about matters which are (or which were at the time the issue arose) the responsibility of the University;
- members of the public who are applying for admission to the University and whose complaint does not relate to academic judgement;
- members of staff, where they are users of services provided by the University.

29.3.2 The basic processes for investigating complaints are the same for students, members of staff, members of the public and applicants to the University.

29.3.3 Sometimes individuals may be unable or reluctant to make a complaint on their own. The University will accept complaints brought by third parties, as long as the individual affected is under the age of 18 or has given their personal consent under the requirements of the Data Protection Act (1998). The giving of personal consent usually means that the individual affected must give clear written authority for the third party to act on their behalf. Complaints made by a third party will be dealt with according to the same timescales.

⁴⁰ For example, annual monitoring, or a formal consultation.

⁴¹ For example, Staff-Student Liaison Committee, or student representation on a School Learning & Teaching Committee.

Joint Complaints

29.3.4 In the case of a complaint raised jointly, a lead person shall be identified who will represent those raising the complaint.

Anonymous Complaints

29.3.5 Complaints submitted anonymously will be considered if there is enough information in the complaint to enable the University to make further enquiries. If, however, an anonymous complaint does not provide enough information to enable the University to take further action, the University may decide not to pursue it further. However, the University may give consideration to the issues raised, and will record the complaint so that corrective action can be taken if appropriate.

29.3.6 Any decision not to pursue an anonymous complaint will be authorised by the Clerk of Senate. If an anonymous complaint contains serious allegations, it should be referred to the Clerk of Senate immediately.

29.4 Complaints involving more than one department

29.4.1 If a complaint relates to the actions of two or more service departments / Schools/ Colleges,

- a) in the case of a Stage One complaint: the staff member receiving the complaint must confer with the other area(s) to decide who will take the lead on the complaint.
- b) In the case of a Stage Two complaint: the Director of the Senate Office will determine who will act as the Complaint Investigator.

The complainant will be told to whom the complaint is being passed and given their contact details. Coordination may still be required between different areas of the University to ensure that the complaint is fully addressed in a single response. The nature of the complaint may also require parallel procedures to be initiated (such as an academic appeal or disciplinary procedures).

29.5 Complaints involving other organisations or contractors who provide a service on behalf of the University

29.5.1 If an individual complains to the University about the service of another organisation, but the University has no involvement in the issue, the individual should be advised to contact the appropriate organisation directly.

29.5.2 Where a complaint relates to a University service and the service of another organisation the University will investigate its own involvement in the matter in accordance with the Complaints Procedure. When entering into a formal agreement relating to the provision of services (such as with partner institutions and contractors) the University will, where reasonable, include the requirement that the other organisation will investigate complaints – or co-operate with University complaints investigations – in accordance with the principles of this procedure. Where there is no formal agreement between the University and the other organisation, the University will make the other organisation aware of the terms of the Complaints Procedure and request the other organisation's cooperation in addressing complaints in accordance with the principles of the Complaints Procedure.

29.5.3 If enquiries to an outside organisation in relation to the complaint are required, care will be taken to comply with Data Protection legislation and the guidance on handling personal information. Such complaints may include, for example:

- A complaint made in relation to provision of third-party services, for example IT systems.
- A complaint made about a service that is contracted out, such as catering services.
- A complaint made to the University about a student loan where the dissatisfaction relates to both the service the University has provided and the service the Student Awards Agency for Scotland has provided.

29.6 Time limit for making complaints

29.6.1 Complaints should be raised with the University as soon as problems arise to enable prompt investigation and swift resolution. The time limit for raising a complaint with the University is six months, starting from when the complainant first became aware of the problem, unless there are special circumstances for requesting consideration of a complaint beyond this time.

29.6.2 Beyond the six-month time limit, the University will exercise discretion in the way that the time limit is applied. This will take account of the time limit within which a member of the public can normally ask the SPSO to consider complaints, which is 12 months from when the person first became aware of the issue about which they are complaining. An extension to the six-month time limit shall be granted only where the Clerk of Senate accepts as reasonable, the explanation for the delay in presenting the complaint.

29.7 The Complaints Procedure

29.7.1 The Complaints Procedure is intended to provide a quick, simple and streamlined process with a strong focus on early resolution by empowered and well-trained staff.

29.7.2 The procedure involves up to two stages:

- a) **Frontline resolution** seeks to resolve straightforward complaints swiftly and effectively at the point at which the complaint is made, or as close to that point as possible.⁴²
- b) **Investigation** is appropriate where a complainant is dissatisfied with the outcome of frontline resolution, or where frontline resolution is not possible or appropriate due to the complexity or seriousness of the case.

29.8 Stage One: frontline resolution – to be completed within 5 working days⁴³

29.8.1 Anyone who has a complaint is encouraged to raise it initially at the point of, or as close to the point of, becoming aware of it as possible and to raise it with the department in which the issue arose. Complaints at this stage may be made face-to-face, by phone, in writing or by email. However, when the complainant is in possession of documentation that is relevant to the complaint a copy should be provided at the point that the complaint is made.

29.8.2 The purpose of frontline resolution is to attempt to resolve as quickly as possible complaints which are straightforward and require little or no investigation. Complaints at this stage of the process may be addressed by any relevant member of the University's staff and may be handled by way of a face-to-face discussion with the complainant, or by asking an appropriate member of staff to deal with the complaint.

29.8.3 Members of staff to whom complaints are made will consider some key questions:

- Is this a complaint or should the individual be referred to another procedure?
- What specifically is the complaint (or complaints) about and which area(s) of the University is /are involved?
- What outcome is the complainant hoping for and can it be achieved?
- Is this complaint straightforward and likely to be resolved with little or no investigation?
- Can the complaint be resolved on the spot by providing an apology /explanation / alternative solution?
- Can another member of staff assist in seeking a frontline resolution?
- What assistance can be provided to the complainant in taking this forward?

29.8.4 If responsibility for the issue being complained about lies in the staff member's area of work, every attempt will be made to resolve the problem at source. If responsibility lies elsewhere, the staff member receiving the complaint will liaise with the relevant area rather than simply passing the complainant on to another office.

29.8.5 Where the complaint relates to the conduct of a particular member of staff, the member of staff will be given the opportunity to provide to the complaint handler a response to the complaint.

29.8.6 Resolution may be achieved by providing an on-the-spot explanation of why the issue occurred and/or an apology and, where possible, information about what will be done to stop any identified service failure happening again in the future.

Extension to the five day timeline

29.8.7 Frontline resolution should normally be completed within five working days, though a resolution may be achieved more quickly. In exceptional circumstances a short extension of time may be necessary to increase the possibility of resolving the complaint at the frontline resolution stage (for example, by obtaining information from other areas where no single area of the University is responsible for the issue(s) being complained about). Requests for an extension will be agreed if the Director of the Senate Office accepts as reasonable the grounds presented by the complaint handler. The complainant will be told of the reasons for extending the deadline and advised of the new timescale for resolution. The maximum extension which can be granted is five working days (i.e. not more than 10 working days in total from the date of receipt of the complaint).

Closing the complaint at the frontline resolution stage

29.8.8 The outcome will be communicated to the complainant. This may be face-to-face, by phone, in writing or by email. There is no requirement to send out further written communication to the complainant, although where the outcome has been communicated in person, it would normally be expected that the outcome would be confirmed in writing. The response to the complainant must address all the topics for which the University is responsible, and explain the reasons for the decision.

29.8.9 Once a decision has been issued, the record of the complaint will be forwarded to the Senate Office, including details of the decision reached.⁴⁴ The complaint should then be closed.

29.8.10 Where a complaint is upheld, the University should defray reasonable and proportionate incidental expenses necessarily incurred by the complainant in the process of pursuing the complaint.

⁴² For clarity, the term 'frontline resolution' refers to the first stage of the complaints process. It is not intended to reflect any job description within the University; rather it refers to the process which seeks to resolve complaints as soon as possible.

⁴³ For the purposes of this Procedure, Monday to Friday are counted as working days except where the University is closed for a Public Holiday. Saturdays and Sundays are not counted as working days.

⁴⁴ The complaint handler should complete and submit the form at www.gla.ac.uk/staff/logstage1complaint.

29.9 Stage Two: investigation – to be completed within 20 working days

29.9.1 These complaints may already have been considered at the frontline resolution stage, or they may be complaints identified upon receipt as appropriate for immediate investigation.

29.9.2 A complaint will be addressed under the investigation stage when:

- frontline resolution was attempted, but the complainant remains dissatisfied. This may be after the case has been closed following the frontline resolution stage. In such a case the complainant must make the complaint, explaining in what respect(s) they remain dissatisfied.
- the complainant refuses to recognise or engage with the frontline resolution process and is insistent that the issue be addressed by a more senior member of staff, except where the Clerk of Senate determines that this view is unreasonable and that frontline resolution must be attempted in the first instance.
- the issues raised are complex and will require detailed investigation. In such cases the complainant may choose to submit the complaint to Stage 2, stating the reasons for not having initially pursued the complaint under Stage 1. Alternatively, a member of staff receiving a Stage 1 complaint may consider that the matter should be immediately referred to the Senate Office for consideration as a Stage 2 investigation.
- the complaint relates to issues that have been identified by the University as high risk or high profile.

29.9.3 Special attention will be given to identifying complaints considered high risk or high profile, as these may require particular action or may raise critical issues requiring direct input from senior management. Potential high risk /high profile complaints may:

- involve a death or serious injury;
- involve serious service failure, for example major delays in service provision or repeated failures to provide a service;
- generate significant and on-going press interest;
- pose a serious operational risk to the Institution;
- present issues of a highly sensitive nature.

29.9.4 Stage 2 complaints must be raised through the Senate Office:

By email: complaints@glasgow.ac.uk

In writing: The Senate Office, The University of Glasgow, Glasgow, G12 8QQ.

By telephone: 0141 330 2241.

In person: The Senate Office, Gilbert Scott Building, University of Glasgow.

29.9.5 For a complaint that will be considered at the investigation stage, the complainant will be asked to complete the complaint form to provide full details of the complaint and any relevant documentation. If they choose not to write it down and would prefer to complain in person, the complaint form can be completed with them and a letter to confirm the scope of the complaint issued to them.

29.9.6 Information and documentation material to the complaint should be provided by the complainant and by the University while taking account of the privacy, confidentiality and reasonable interests of any relevant third parties. Unauthorised electronic recordings of previous meetings or events will not be admissible as evidence for the complaint.

29.9.7 The purpose of conducting an investigation is to establish all of the facts relevant to the points made in the complaint and to provide a full, objective and proportionate response to the complainant that represents the University's definitive position.

What the University will do when it receives a complaint for investigation

29.9.8 The University will allocate the complaint to an Investigating Officer. It is important to be clear from the start of the investigation stage exactly what is being investigated, and to ensure that both the complainant and the Investigating Officer understand the scope of the investigation. In discussion with the complainant, three key questions should be considered:

1. What specifically is the complaint (or complaints)?
2. What does the complainant want to achieve by complaining?
3. Do the complainant's expectations appear to be reasonable and achievable?

29.9.9 If the complainant's expectations appear to exceed what the University can reasonably provide or are not within the University's power to provide, the complainant will be advised of this as soon as possible in order to manage expectations about possible outcomes.

29.9.10 The Investigating Officer will seek a response from the department(s) to which the complaint relates. Where the complaint relates to the conduct of a particular member of staff, the member of staff will be asked to provide to the Investigating Officer a response to the complaint.

29.9.11 Details of the complaint will be recorded on the system for recording complaints. Where the complaint has been through the frontline resolution stage this will be shown in the complaints log. At the conclusion of the investigation the log will be updated to reflect the final outcome and any action taken in response to the complaint.

Timelines

29.9.12 The following deadlines will be used for cases at the investigation stage of the Complaints Procedure:

- complaints will be acknowledged in writing within 3 working days;⁴⁵
- the University will provide a full response to the complaint as soon as possible but not later than 20 working days from the time that the complaint was received for investigation.

Extension to the timeline

29.9.13 Not all investigations will be able to meet this deadline; for example some complaints are so complex that they will require careful consideration and detailed investigation beyond the 20 working days timeline. Where there are clear and justifiable reasons for extending the timescale (e.g. volume of documentation to be considered, number of responses to the complaint to be obtained), the Clerk of Senate will exercise judgement and will set time limits on any extended investigation, with the agreement of the complainant. If the complainant does not agree to an extension but it is unavoidable and reasonable, then the Clerk of Senate must consider and confirm the extension. In such circumstances, the complainant must be kept updated on the reason for the delay and given a revised timescale for bringing the investigation to a conclusion. It is expected, however, that this will be the exception and that the University will always strive to deliver a definitive response to the complaint within 20 working days.

29.9.14 Where an extension has been agreed, this will be recorded appropriately and the proportion of complaints that exceed the 20 working day-limit will be evident from reported statistics.

Mediation

29.9.15 Some complex complaints (where, for example, the complainant and/or other involved parties have become entrenched in their position) may benefit from a different approach to resolving the complaint. Using mediation can help both parties to understand what is driving the complaint, and may be more likely to result in a mutually satisfactory conclusion being reached. Whilst the University does not have a formal mediation service, parties wishing to consider alternatives to a complaint investigation should enquire about this with the investigating officer. Where other means of dispute resolution are attempted, the complaint investigation will be suspended. If the matter is not resolved through mediation revised timescales will be agreed.

Closing the complaint at the investigation stage

29.9.16 The outcome of the investigation will be communicated to the complainant and to the subject of the complaint in writing together with details of the investigation, an explanation of the grounds for the decision and copies of relevant documentation. Where a complaint is upheld, the University should defray reasonable and proportionate incidental expenses necessarily incurred by the complainant in the process of pursuing the complaint.

29.9.17 The decision, and details of how and when it was communicated to the complainant, will be recorded on the system for recording complaints. The complainant will also be advised about:

- their right to ask the SPSO to review the complaint;
- the time limit for doing so;
- how to contact the SPSO.

29.10 Independent external review (SPSO)

29.10.1 Once the investigation stage has been completed, the complainant is entitled to ask the SPSO to look at their complaint. The SPSO considers complaints from people who remain dissatisfied at the conclusion of the University's Complaints Procedure. The SPSO looks at issues such as service failure and maladministration (administrative fault) as well as the way the University has handled the complaint.

29.10.2 The SPSO requires the University to use standard wording to inform complainants of their right to ask the SPSO to review the complaint.

Information about the SPSO

29.10.3 The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. This includes complaints about Scottish universities. Complainants who remain dissatisfied with the University after its complaints process can ask the SPSO to look at the complaint. The SPSO cannot normally look at complaints:

- which have not been all the way through the university's complaints handling procedure;
- more than 12 months after the complainant became aware of the matter complained about; or
- that have been or are being considered in court.

⁴⁵ For the purposes of this Procedure, Monday to Friday are counted as working days except where the University is closed for a Public Holiday. Saturdays and Sundays are not counted as working days.

29.11 Governance of the Complaints Handling Procedure

Roles and Responsibilities

29.11.1 All staff will be aware of:

- the Complaints Procedure;
- how to handle and record complaints at the frontline resolution stage;
- who they can refer a complaint to if they are unable to handle the matter personally;
- the need to try and resolve complaints early and as locally (within their department) as possible and;
- their clear authority to attempt to resolve any complaints they may be called upon to deal with.

29.11.2 Senior management will ensure that:

- the University's final position on a complaint investigation is signed off by the Clerk of Senate in order to provide assurance that this is the definitive response of the University and that the complainant's concerns have been taken seriously;
- it maintains overall responsibility and accountability for the management and governance of complaints handling within the University;
- it has an active role in, and understanding of, the Complaints Procedure (although not necessarily involved in the decision making process of complaints handling);
- mechanisms are in place to ensure a consistent approach to the way complaints handling information is managed, monitored, reviewed and reported at all levels in the University; and
- complaints information is used to improve services, and this is evident from regular publications.

29.11.3 **Principal:** The Principal provides leadership and direction to the University. This includes ensuring that there is an effective Complaints Procedure with a robust investigation process which demonstrates that organisational learning is in place. The Principal may delegate responsibility for the procedure, but must receive assurance of complaints performance by way of regular reporting. They should also ensure that complaints are used to identify service improvements, and that these improvements are implemented, and learning fed back to the wider organisation as appropriate.

29.11.4 **Clerk of Senate:** As a senior officer they may be responsible for signing response letters to complainants and therefore must be satisfied that the investigation is complete and that the response addresses all aspects of the complaint.

29.11.5 **Senate Assessors for Complaints:** At least two Senate Assessors for Complaints will be appointed by the Senate to assist the Principal and the Clerk of Senate in the discharge of their responsibilities in relation to the Complaints Procedure, including taking an overview of, and advising on, the Complaints Procedure and, where appropriate, acting as Investigating Officer.

29.11.6 **Complaints Investigating Officer:** The Complaints Investigating Officer is a suitably trained staff member responsible for the conduct of complaints investigations, who has no material interest in the complaint and who is involved in the investigation and the co-ordination of all aspects of the response to the complainant. This may include preparing a comprehensive written report, including details of any recommended procedural changes to service delivery. Complaints Investigators must have a clear remit to investigate effectively and reach robust decisions on more complex complaints. This also requires clear direction and support from senior management on the extent and limits of discretion and responsibilities in investigating and resolving complaints, including the ability to identify failings, take effective remedial action and apologise, where it is appropriate to do so.

29.11.7 **All staff:** A complaint may be made to any member of staff. All staff must, therefore, be aware of the Complaints Procedure and how to handle and record complaints at the frontline resolution stage. They should also be aware of who to refer a complaint to, in case they are not able to personally handle the matter. The University encourages all staff to try to resolve complaints early, as close to the point of service delivery as possible, and quickly to prevent escalation.

29.11.8 **SPSO liaison officer** (or officer with this responsibility): This staff member's role may include providing complaints information in an orderly, structured way within requested timescales, providing comments on factual accuracy on behalf of the University in response to SPSO reports, confirming recommendations have been implemented, and providing evidence to verify this.

Complaints about senior staff

29.11.9 Complaints about senior staff can be difficult to handle as there may be a conflict of interest for the staff investigating the complaint. When serious complaints are raised against senior staff it is particularly important that the investigation is conducted by an individual who is independent of the situation. The University will ensure that there are strong governance arrangements in place that set out clear procedures for handling such complaints.

29.12 Recording, reporting, publicising and learning

29.12.1 Valuable feedback is obtained through complaints. One of the objectives of the Complaints Procedure is to identify opportunities to improve provision of services across the University. Staff must record all complaints so that the

University can use the complaints data for analysis and management reporting. By recording and using complaints information in this way, the causes of complaints can be identified, addressed and, where appropriate, training opportunities can be identified and improvements introduced.

Recording complaints

29.12.2 To collect suitable data, it is essential that all complaints are recorded in sufficient detail. The minimum requirements are as follows:

- name and contact details of the complainant and student matriculation number (if applicable);
- date of receipt of the complaint;
- how the complaint was received;
- category of complaint;
- staff member responsible for handling the complaint;
- department to which the complaint relates;
- action taken and outcome at frontline resolution stage (if applicable);
- date the complaint was closed at the frontline resolution stage (if applicable);
- date the investigation stage was initiated (if applicable);
- action taken and outcome at investigation stage (if applicable);
- date the complaint was closed at the investigation stage (if applicable);
- underlying cause and remedial action taken (if applicable);
- response times at each stage.

29.12.3 The University has a structured system for recording complaints, their outcomes and any resulting action so that the complaint data can be used for internal reporting as indicated below.

Reporting of complaints

29.12.4 The University has a system for the internal reporting of complaints information, managed by the Director of the Senate Office. Regularly reporting the analysis of complaints information helps to inform management of where improvements are required. Information reported internally will include:

- performance statistics, detailing complaints volumes, types and key performance information, for example on time taken and stage at which complaints were resolved;
- the trends and outcomes of complaints and the actions taken in response including examples to demonstrate how complaints have helped improve services.

29.12.5 This information will be reported at least quarterly to the Senior Management Group and at least annually to Court and Senate.

Publicising complaints performance information

29.12.6 The University will publish on a quarterly basis a summary of complaints outcomes, trends and actions taken to improve services, with a focus on case studies and examples of how complaints have helped improve services. This may also include positive feedback from students and members of the public.

29.12.7 This demonstrates the University's approach to improving services on the basis of complaints and shows that complaints can influence the University's services. It also helps ensure transparency in the University's complaints handling service and will help to demonstrate to students and members of the public that the University values their complaints.

29.12.8 The University will report on complaints handling performance annually in line with SPSO requirements. This includes performance statistics showing the volume and type of complaints and key performance details, for example on the time taken and the stage at which complaints were resolved. Information will be made available on the [Senate Office website](#).

Learning from complaints

29.12.9 The Complaints Investigator will always try to ensure that all parties involved understand the findings of the investigation and any decisions made. Senior management will ensure that the University has procedures in place to act on issues that are identified. These procedures facilitate:

- using complaints data to identify the root cause of complaints;
- taking action to reduce the chance of any identified failings happening again;
- recording the details of corrective action in the complaints file;
- systematically reviewing complaints performance reports to improve performance.

29.12.10 The analysis of management reports detailing complaints performance will help to ensure that any trends or wider issues which may not be obvious from individual complaints are quickly identified and addressed. Where the University identifies the need for service improvement:

- an officer (or team) will be designated the 'owner' of the issue, with responsibility for ensuring that any identified action is taken;
- a target date will be set for the action to be implemented, and followed up on to ensure delivery within this timescale;
- where appropriate, performance in the academic or service area will be monitored to ensure that the issue has been resolved.

29.13 Maintaining confidentiality

29.13.1 Confidentiality is an important factor in conducting complaints investigations. The University will always have regard to any legislative requirements; for example, data protection legislation and also internal policies on confidentiality and the use of complainant information. Complaints will be handled with an appropriate level of confidentiality and information released only to those who need it for the purposes of investigating or responding to the complaint. No third party will be told any more about the investigation than is strictly necessary in order to obtain the information required from them.

29.13.2 While privacy and confidentiality will be respected, it will be necessary (except in the case of anonymous complaints) to reveal the identity of the complainant in the course of the investigation and the complainant should be informed at the outset that the details of the complaint and his/her identity will be revealed to individuals from whom a response is required in the process of investigating the complaint.

29.13.3 Where a complaint has been raised against a student or member of staff and has been upheld, the complainant will be advised of this. However, it would not be appropriate to share specific details affecting specific students or staff members, particularly where disciplinary action is taken.

29.14 Managing unacceptable behaviour

29.14.1 It is recognised that people may act out of character in times of trouble or distress. The circumstances leading to a complaint may result in the complainant acting in an unacceptable way. Complainants who display difficult behaviour may still have a legitimate grievance, and the University will therefore treat all complaints seriously and assess them properly.

29.14.2 The actions of complainants who are angry, demanding or persistent may result in unreasonable demands on time and resources or unacceptable behaviour towards the University's staff. The University therefore has in place the [Code of Practice on Unacceptable Behaviour](#) to protect staff from such unacceptable behaviour. This includes the requirement for the University to inform the complainant in writing of any action it intends to take under the Code, the complainant's right of appeal, and any procedures for reviewing any decision to restrict contact.

29.14.3 The University reserves the right to suspend the Complaints Procedure if the complainant behaves inappropriately. In such cases the Clerk of Senate or his/her nominee shall suspend procedures and advise the complainant accordingly.

29.14.4 The University is not under obligation to investigate frivolous, vexatious or malicious complaints or complaints previously dealt with or to enter into further correspondence if a reasonable response has been provided.

29.15 Supporting the complainant

29.15.1 Anyone who receives, requests or is directly affected by the services the University provides has the right to access the Complaints Procedure. Complainants who do not have English as a first language may need help with interpretation and translation services. Other complainants may have specific needs which the University will seek to address to ensure easy access to the Complaints Procedure by making reasonable adjustments to help the complainant. There are a number of support services available which can provide helpful support to those who wish to pursue a complaint with the University.

29.15.2 The [SRC Advice Centre](#) is an advice, information and representation service provided by the Students' Representative Council (SRC) for all Glasgow University students. The Advice Centre offers free and confidential advice.

29.15.3 Information on harassment and bullying is provided in the [Dignity at Work and Study Policy](#). International students may seek advice from the International Student Adviser. Research students may seek advice from the Graduate School Administrator.

29.16 Supporting the subject of the complaint

29.16.1 Where the complaint is against a student, the student complained against may be represented by the Students' Representative Council or by any other appointed representative.

29.16.2 Where the complaint is against a member of staff, the member of staff may be represented by a Union official or any other representative.

30 REGULATIONS AND CODE OF CONDUCT FOR THE USE OF INFORMATION AND COMMUNICATION TECHNOLOGY FACILITIES IN THE UNIVERSITY OF GLASGOW

Introduction

30.1 These Regulations apply to the use of all computer software, digital information, data networks and computer systems used for University purposes by any Staff, Students, Visitors or others granted access. This includes use of any computer system or digital information accessed over the campus data network or remotely via the Joint Academic Network (JANET) or otherwise and all use of ICT for University activities both on University and external systems.

- Part A describes the acceptable use of Systems and Facilities at the University of Glasgow
- The Regulations in Part B apply to any Staff, Students, Visitors or others making use of Facilities described above. It is the responsibility of Users to become familiar with the Rules that apply to the particular Systems or Facilities that they utilise for University purposes.
- The Regulations in Part C apply to members of the University in relation to digital content and software copyright and the 'Code of Practice for the use of Software' described therein. They also apply to any member of the University in relation to the use of data and application of the 'Data Protection Principles'.
- Part D relates to misuse of Systems and Facilities and the sanctions and disciplinary procedures that apply. Any Staff, Students, Visitors or others granted access to Information and Communication Technology facilities who breach these Regulations may be dealt with by the appropriate Disciplinary Procedures in force within the University of Glasgow. A breach of these Regulations may constitute a criminal offence.

Definitions

'System' or "ICT Facility'

an Information or Communication Technology System or Facility which is within the scope of these Regulations as described above;

'Appropriate Authority'

an individual or organisational unit under whose control a System or Facility is placed;

'User'

any person or persons granted authority to use an ICT System or Facility. Authority will only be granted to a person where that person agrees to be bound by these Regulations.

'UserID'

a form of unique identifier which is given to a User by the Appropriate Authority which, together with a personal password of the User, is used to identify and authenticate the User when accessing a System or Facility.

Part A: Acceptable Use

30.2 The use of Information and Communication Technologies (ICT) at the University of Glasgow is subject to the following conditions of acceptable use.

1. The University ICT Systems and Facilities are provided for bona fide University work. Personal use of file store, email and Internet access is permitted only so long as it is demonstrably reasonable and judicious. Permission to access ICT Systems and Facilities is given on the understanding that they are used only for approved purposes and only by the person or persons authorised to use them.
2. All staff use of University ICT Systems and Facilities must be consistent with all terms and conditions in contracts of employment and with the University Human Resources Policies that are to be found on the [Human Resource web site](#). All student use of ICT Systems and Facilities must be consistent with the Student Code of Conduct that is to be found on the [Senate Office web site](#). Your use should not involve access to or publication of material of a nature which might bring discredit to you or the University.
3. Before you can have access to ICT Systems or Facilities in the University you must be registered as a user. Whether you are a student or member of staff of the University or you are a visitor or guest, you are required to adhere to the University's Policies, Guidelines and procedures. If your status is properly recorded in the relevant administrative databases you can be registered as an ICT user by a standard process. If you are not a student or a member of staff, as part of the registration process you will give an undertaking that you have read these Regulations and Code of Conduct for the Use of IT Facilities and agree to be bound by them. Copies of these regulations may be posted on notice boards and are published in the University Calendar.
4. When you are registered to use ICT Systems and Facilities, you will be given a UserID and a password, referred to as a GUID. This UserID is your personal identification and along with your password serves to authenticate you to the system and to grant access to the Systems and Facilities that you are authorised to use.
5. In general, your use of ICT Systems or Facilities should not interfere with or cause difficulties for other users, nor may you by any wilful or deliberate or negligent act endanger the integrity of networks, equipment, system programs or stored information.

6. As a user you will have access to University electronic mail facilities. These are provided to improve communications among staff and students for matters relating to their roles within the University. It should be noted that sending electronic mail to a mailing list or to a specific list of recipients constitutes publishing and the university as well as the individual(s) concerned may be held responsible for the content of any such publication.
7. There are many ways that as a user you will be able to make information available to other users and contribute to relevant discussion and debate, both with other users of the University's network or externally with users of the internet. In particular, you may publish material on web sites or by contributing to collaboration facilities or social networking sites. It should be noted that these activities constitute publishing the contents or contribution and the university as well as the individual(s) concerned may be held responsible for the content of any such publication.
8. Access to or publication of material of a pornographic, criminal or offensive nature is not permitted. If you need to work with questionable material that is essential as part of your particular University work, you must clear this use in advance with your Head of College/ School/Research Institute/Service or and the Director of IT Services must be notified.
9. Users may conduct work that involves the use of Systems, Facilities or Data belonging to other organisations, including the NHS, local and national government departments and commercial organisations. It is the user's responsibility to ensure that they are aware of and comply with the policies rules and regulations of both the University of Glasgow **and** these external organisations, so as to protect their own, the University's and the external organisation's interests.
10. The University may monitor communications but this is always in the context of what is permitted by relevant legislation and University policies. Whilst the University operates on the basis of trust, if there are reasonable grounds for suspecting that an individual is engaging in activities which are in breach of the Regulations or of the various guidelines, the University reserves the right to investigate fully. In the event that misuse is suspected, the University will take appropriate action to investigate the matter which may include direct monitoring of the use made by the user. Such monitoring will require the permission of the Secretary of the University Court or his/her nominee. If misuse is established, disciplinary action will be taken, referring the matter to the Police in the event of contravention of legislation.

Part B: General Rules

11. The Appropriate Authority controlling an ICT System or Facility has the power to set out the conditions of use of that System or Facility by a User and to modify these from time to time.
12. The conditions of use will include identifying and authenticating the User when accessing a System or Facility, through appropriate UserIDs and passwords or other verification mechanisms and the authority granted to a User to use an ICT System or Facility is limited to the User to whom authority has been granted, in particular:
 - a) authority given to a User may not be extended or transferred to any other person or persons;
 - b) a User may not allow any other person (whether a User or otherwise) to access a System or Facility by way of his/her personal UserID and personal password and is required to keep that password secret;
 - c) a User may not use or attempt to use Systems or Facilities using someone else's UserID, nor attempt to find out another user's UserID or password;
 - d) a User must not use or access a System or Facility for any illegal or unauthorised purpose, nor attempt to gain access to information or facilities to which they have not been granted authorisation;
 - e) a User must not store or to make publicly accessible any data, text, image or programme which is unlawful or does not accord with the aims or objectives of the University.
 - f) a user's permissions to access a System or Facility will terminate when he/she leaves the University or after an agreed specified period.

'Hacking' and other unauthorised use of ICT Systems and Facilities, whether situated on University premises or elsewhere, is explicitly forbidden. Access to any system without appropriate authorisation constitutes, at least, a technical offence under the Computer Misuse Act (1990).
13. Users must ensure that their use of ICT Facilities complies with all applicable UK and International laws and relevant University policies.
14. Members of the University using computing equipment owned, leased or operated by the University must comply with the regulations set down by any Appropriate Authority within the University. Users must ensure that network connections are not utilised for unauthorised access to University or external Systems. Users with requirements for network usage extending beyond the normal teaching, research and administrative activities of the University should consult the Director of IT Services before any commitments are made. Special rules may apply which will cover payments due to the University for the use of its equipment and will protect the University from any claims for damages etc. which may arise from such use.
15. Users may conduct University business from devices that that are their personal property (such as computers and mobile phones) but these Regulations and all policies concerning data, communications and security apply whether or not University Systems and Facilities are involved directly.

16. In managing Systems and Facilities, IT Services will take all possible care to prevent the corruption of information, it cannot however guarantee the integrity of information stored on its equipment. It is therefore the responsibility of the User to satisfy themselves that there are adequate backup arrangements for valuable information. IT Services will only accept responsibility for recovering data that has been entered into a System backed up regularly by them. University ICT Systems and Facilities are managed to ensure high availability, but the University cannot accept responsibility for inconvenience caused to users by breakdown or unavailability of equipment.
17. Any commercial exploitation of programs developed using University ICT Systems or Facilities must be carried out according to regulations issued by the University from time to time. Information on these regulations can be obtained from Research and Enterprise.

Part C: Rules Concerning Data, Digital Content and Software

18. When using software, information, images and other digital content such as music or films, it should be understood that virtually all of this material is subject to [copyright](#). Copies of material may not be made or stored without the approval of the copyright owner. Users must ensure that all the requirements of the agreements or contracts under which licensed software or other content is made available to and by the University (including Public Domain 'Shareware' or 'Fair Dealing' conditions of use) are met and must comply with any published usage restrictions. In particular, users must also comply with the Code of Practice for the Use of Software, given below.

Code of Practice for the Use of Software

30.3 Most of the software supplied to users through the University is licensed for Educational Use only. Those users wishing to use software or systems for consultancy or commercial activity should ensure that either the University licenses permit this type of activity or that they arrange to licence a copy/copies of the appropriate software specifically for the activities concerned. If in doubt, users should consult the IT Helpdesk.

- a) Software will be used for educational purposes only, unless explicit arrangements have been made for other purposes. A definition of 'Educational Use' is provided below.
- b) The University will maintain a record of software available centrally for use in the Institution together with details of licensing arrangements. (Records of centrally licensed software are maintained by IT Services, whilst Colleges and Schools are responsible for maintaining lists of software currently held and for establishing the legality of all their holdings.)
- c) All users of software are expected to make themselves aware of the conditions under which it may be used before starting to use a particular product.
- d) Software may not be copied for use on machines or by people, within or outwith the University, where such use is not covered by an appropriate licence.
- e) In the event of termination of the licence, users will be notified and must endeavour to remove all active copies of the software and take steps to ensure that archive copies are not used.

Definition of 'Educational Use'

30.4 The Educational Use of a Software Product or other Digital Content is the use by any person authorised under the terms of the Licensee for the purposes of the normal business of an Educational Establishment. Such use includes the following:

- a) Teaching.
- b) Research.
- c) Personal educational development.
- d) Administration and management of courses and the educational policy of the Educational Institution.
- e) Development and/or support activities associated with any of the above.

30.5 The following are excluded:

- a) Consultancy or services where the Software or Digital Content is commercially exploited.
- b) Work of significant benefit to the employer of students on industrial placement or part-time courses.

19. All Personal Data is covered by the Data Protection Act s (1984 & 1998) and any holdings of personal data must be registered internally with the University's Data Protection Officer. Members of Staff processing personal data are responsible for ensuring that this is carried out in accordance with the Acts and with their eight **Data Protection Principles**. The control of students using such data is the responsibility of the member of staff supervising them. All users should comply with the University's [Data Protection Policy and Guidelines](#) and must treat as privileged any personal information concerning others which may become available to them through their use of ICT Facilities; no part of such information may be copied, modified, disseminated or used without the permission of the appropriate person or authority.
20. Users of personal or other confidential data must take appropriate security measures against unauthorised access to, or alteration, disclosure or destruction of, that data and against its accidental loss or destruction. The [Policy on](#)

[Confidential Data in the University](#) must be adhered to. The associated Guidelines are designed to provide a secure framework within which confidential material may be protected and should be followed.

Part D: Misuse of ICT Systems and Facilities

21. The Director of IT Services or nominee shall have the power to remove from the University data network, any System or Facility which is interfering with the operation of the network or which is being used for purposes which contravene these regulations.
22. The Secretary of Court or nominee shall have the power to withdraw access to ICT Systems or Facilities from any person deemed to be in breach of any applicable legislation or relevant University policy, and to require the modification or deletion of personal data in order to ensure compliance.
23. In the event of an apparent breach of these rules by a User, the Director of IT or Services nominee has the authority summarily to withdraw the facilities allowed to the User.
 - a) Where a student violates the Regulations and Code of Conduct set out above, minor infringements shall be dealt with by the Director of IT Services or his/her nominee. The Director of IT Services may report major breaches of the Regulations and Code of Conduct to the Clerk of Senate/Director of Senate Office for action under the Code of Student Conduct where there was prima facie evidence of intention to breach the Regulations and Code of Conduct, and where sanctions beyond those set out in the Code dealing with minor infringements might be invoked.
 - b) Where a member of staff violates the Regulations and Code of Conduct set out above, the matter will be dealt with via the Disciplinary Procedures defined by Human Resources and available via their web site.

31 PLAGIARISM STATEMENT

Introduction

31.1 The University's degrees and other academic awards are given in recognition of a student's personal achievement. All work submitted by students for assessment is accepted on the understanding that it is the student's own effort.

31.2 Plagiarism is defined as the submission or presentation of work, in any form, which is not one's own, without acknowledgement of the sources. Plagiarism includes inappropriate collaboration with others. Special cases of plagiarism can arise from a student using his or her own previous work (termed auto-plagiarism or self-plagiarism). Auto-plagiarism includes using work that has already been submitted for assessment at this University or for any other academic award.

31.3 The incorporation of material without formal and proper acknowledgement (even with no deliberate intent to cheat) can constitute plagiarism. Work may be considered to be plagiarised if it consists of:

- a direct quotation;
- a close paraphrase;
- an unacknowledged summary of a source;
- direct copying or transcription.

With regard to essays, reports and dissertations, the rule is: if information or ideas are obtained from any source, that source must be acknowledged according to the appropriate convention in that discipline; and any direct quotation must be placed in quotation marks and the source cited immediately. Any failure to acknowledge adequately or to cite properly other sources in submitted work is plagiarism. Under examination conditions, material learnt by rote or close paraphrase will be expected to follow the usual rules of reference citation otherwise it will be considered as plagiarism. Schools should provide guidance on other appropriate use of references in examination conditions.

31.4 Plagiarism is considered to be an act of fraudulence and an offence against the University Code of Student Conduct. Alleged plagiarism, at whatever stage of a student's studies, whether before or after graduation, will be investigated and dealt with appropriately by the University.

31.5 The University reserves the right to use plagiarism detection systems, which may be externally based, in the interests of improving academic standards when assessing student work.

Referral

31.6 Where a student is suspected of plagiarism⁴⁶ the member of staff shall refer the case to the Head of School⁴⁷ or his or her nominee (hereinafter referred to as Head of School) along with all appropriate documentary evidence (the piece of

⁴⁶ If a student suspects a fellow student of plagiarism then he or she should speak to a member of staff in the School concerned. The identity of the student making the report shall remain confidential.

⁴⁷ Where the Head of School has a potential conflict of interest (e.g. teaches or examines on the course concerned) then he or she should pass the case to another senior member of academic staff in the School. In the case of small Schools, where it may not be possible to pass the case to another senior member of academic staff, the case should be passed to the Head of a cognate School.

work in question duly marked-up, a copy of the original source of the plagiarism, information on the contribution of the piece of work to the overall assessment, etc). Any further consideration of that piece of work by the School shall be held in abeyance until the procedures set out below have been completed. The student shall be informed in writing that his or her marks have been withheld pending an investigation of suspected plagiarism. As part of any such investigation the University may review previously assessed material and rescind published marks or grades if necessary.

31.7 The Head of School shall assess the extent of the suspected plagiarism and, if necessary, consult with the Senate Office. The Head of School will deal with suspected cases concerning non-Honours undergraduate students that are first offences and not considered to be severe. The Head of School will refer all Honours and postgraduate level cases, all suspected second offences, and cases of severe plagiarism directly to the Senate Office for investigation under the provisions of the Code of Student Conduct.

31.8 Whilst there is no definitive list, examples of cases which would be regarded as severe plagiarism include:

- i) any case of serious and or blatant plagiarism when considered in relation to the student's level of study and length of exposure to the procedures, practices and regulations of the University;
- ii) a first offence where a reduction in marks would put at risk the student's degree or direct progression;
- iii) any case, regardless of extent, where it is inappropriate to deal with it within a School.

Procedure before the Head of School

31.9 At all times the principles of natural justice shall be observed.

31.10 With respect to undergraduate non-Honours cases that are first offences and not considered to be severe, the Head of School shall interview the student concerned. He or she can also interview any students who have allegedly allowed their work to be copied. As soon as practicable, the student will be informed in writing of the alleged offence and of the requirement to attend for interview. The student will also be provided with a copy of the marked-up piece of work in advance of the interview.

31.11 The student shall have the right to be accompanied, assisted or represented at the interview by one of the following: a parent or guardian; a fellow student or other friend; an Officer of the Students' Representative Council; a member of University staff, or any person. At the beginning of the interview, the Head of School will ascertain who is to be the spokesperson for the student (the student or a representative). The foregoing notwithstanding, the Head of School shall have the right to question the student directly, where necessary.

31.12 The Head of School shall have a member of support staff present to keep a record of the meeting.

31.13 At the interview, the student will be shown a copy of his or her work, duly marked-up and be given a clear explanation of what he or she has allegedly done. The student will be given the opportunity to justify the work and be invited to admit or deny responsibility.

31.14 If the Head of School is satisfied beyond all reasonable doubt that an offence has occurred he or she may impose an academic penalty, which will take account of the extent of the plagiarism. The Head of School may reduce the marks or results up to the point where the academic rating for the piece of work in question is reduced to grade H. Consideration will also be given to resubmission opportunities; the maximum mark that can be awarded to any resubmission is the pass mark appropriate to the degree programme being followed. The student shall be given instruction about plagiarism and the necessity of properly acknowledging and referencing sources.

If it is judged that the case is of a more serious nature than first believed, the Head of School may refer the case onwards for consideration by the Senate Assessors for Student Conduct.

31.15 If the Head of School is not satisfied that an offence has occurred but considers that the student has engaged in poor academic practice then the student should receive a warning, instruction about plagiarism and the necessity of properly acknowledging and referencing sources.

31.16 The student will be notified in writing of the outcome by the School. The School will send a copy of this letter to the Senate Office to be kept on record. The existence of a record for a particular student will be made known to any other School seeking to assess the seriousness of other issues (see §31.6 and §31.7).

31.17 If it is judged that there is no case for the student to answer, the student will be informed in writing and the piece of work in question will be marked in accordance with normal arrangements, without penalty. The Senate Office does not need to be notified of such instances.

31.18 The Head of School shall inform the Board of Examiners of any reduction in marks. The Board of Examiners shall not have the authority to revisit or alter academic penalties imposed by this process.

Right of Appeal

31.19 The student shall have the right of appeal to the Senate Assessors for Student Conduct in respect of any penalty imposed by the Head of School. A student who wishes to appeal must do so in writing to the Director of the Senate Office within 10 working days of the date of the issue of the written decision of the Head of School.

31.20 The Senate Assessors for Student Conduct will consider an appeal against the penalty imposed by a Head of School only on the grounds that:

- i) new evidence has emerged which could not reasonably have been produced to the Head of School;
- ii) there has been defective procedure at the Head of School level;
- iii) the penalty imposed by the Head of School was clearly unreasonable.

The letter of appeal must clearly specify the details of any new evidence, the manner in which the procedures were defective or in what respects he or she believes the Head of School has erred or been mistaken in imposing a penalty. The letter should also specify the remedy that the student seeks.

Plagiarism in the Work of a Graduate

31.21 The University will investigate any suspected case of plagiarism in the work of a graduate, which has already been assessed for an award of the University, to determine if the nature and extent of the plagiarism had been material to the award of the degree, diploma or certificate, or class within the degree.

31.22 All such cases will be considered as severe plagiarism. The Head of School will conduct an investigation and refer the case to the Senate Office in accordance with §31.7 above.

32 CODE OF STUDENT CONDUCT

The Code of Student Conduct is governed by Resolution No. 617 of the University Court which came into effect on 1 September 2010.⁴⁸

Basis of Jurisdiction

32.1 Under the Universities (Scotland) Acts all students of the University are subject to the jurisdiction of the Senate, in respect both of their studies and of their conduct. In this regard, the Senate shall act through Assessors and a Student Conduct Committee. Students attending Associated Institutions are, in addition, subject to the conduct and disciplinary procedures of these Institutions (published separately); but no such student may be subject to this Code and the equivalent procedure of an Associated Institution in respect of the same student conduct offence.

32.2 All students are subject to the Code of Student Conduct in respect of:

- a) activities in which they engage in their capacity as students of the University; or
- b) services or facilities they enjoy by virtue of being a student of the University; or
- c) their presence in the vicinity of, or their access to, any premises owned, leased or managed by the University; or
- d) any activity that would not otherwise be covered by a), b) or c) above, but is considered to affect adversely the safety, interests or reputation of the University, its students, employees or authorised representatives.

32.3 This Code does not seek to reflect or incorporate the approach of the criminal law. Nevertheless, at all times the principles of natural justice shall be observed.

Student Conduct Offences

32.4 All students of the University are required at all times to be of good behaviour and to observe all regulations which may be made from time to time by the University. By registering, or by enrolling on any University course, a student becomes subject to University regulations, including this Code. For avoidance of doubt the University may take action under the Code of Student Conduct in respect of a breach of duty even although the student concerned is no longer registered or enrolled at the University.

32.5 It is understood that students' behaviour may be affected by some health conditions. However, the University has a duty to ensure that members of the University community are not subjected to unacceptable behaviour, and as such, allegations of inappropriate behaviour will be investigated under this Code. Where health or disability may be a contributing factor in the incident under consideration, reports or evidence of the condition or disability will be taken into account. Where student conduct is found to be unacceptable as a result of a health condition or disability, the University will endeavour to offer appropriate support to assist the student with the management of their condition.

32.6 There is no definitive list of student conduct offences but, without prejudice to the generality of the foregoing, the following would be regarded as student misconduct. For the purposes of this §32.6, "Person" shall mean any student of the University; any employee of the University; any visitor to the University; any subcontractor employed by the University or any other authorised representative of the University whatsoever.

- i) Making use of unfair means in any University assessment or assisting a candidate making use of such unfair means;
- ii) Engaging in misconduct in research;⁴⁹

⁴⁸ This paragraph was amended on 9 November 2011.

- iii) Disrupting, or interfering with, any academic, administrative, sporting, social or other University activity;
- iv) Obstructing, or interfering with, the functions, duties or activities of any Person;
- v) Behaving in a disorderly, threatening, offensive, indecent or violent manner or using threatening, offensive or indecent language (whether expressed orally, in writing, or conveyed by electronic means), without prejudice to a student's right to the freedom of thought or expression;
- vi) Behaving in a way likely to cause injury to any Person or impair safety;
- vii) Discriminating against any Person on grounds such as age, disability, gender, political or religious beliefs, race, ethnic or national origin, sexual orientation or socio-economic background;
- viii) Harassing any Person;
- ix) Engaging in fraud, deception, misrepresentation, personation or other forms of dishonesty (including the falsification or serious misuse of University documents, including degrees, diplomas and certificates) in relation to the University or in connection with holding any office in the University or in relation to being a student of the University;
- x) Damaging or defacing University property or the property of any Person;
- xi) Stealing or misappropriating University property (including funds) or the property of any Person;
- xii) Misusing or making unauthorised use of University premises or items of property, including misusing IT facilities or safety equipment;
- xiii) Deliberately doing, or failing to do, anything which thereby causes the University to be in breach of a statutory obligation;
- xiv) Possessing, using or supplying a controlled drug as defined by the Misuse of Drugs Act 1971 (as amended from time to time);
- xv) Failing, upon request, to disclose name and other relevant details to an officer or employee of the University in circumstances where it is reasonable to require that such information be given;
- xvi) Making false, frivolous, malicious or vexatious complaints, without prejudice to a student's right to raise academic and other concerns through formal procedures;
- xvii) Conduct that brings the reputation of the University into disrepute;
- xviii) Conduct that is likely to render a student unfit to practise any particular profession to which the student's course leads directly;
- xix) Failing to comply with a previously-imposed penalty under this Code.

32.7 Detailed regulations and policies governing, for example, libraries, the use of IT facilities, *Turnitin* (plagiarism software), the use of automatically processed personal data (in connection with academic work), membership of the University student unions, Halls of Residence and other University accommodation and the Sport and Recreation Service are published separately. Minor breaches of these regulations may be dealt with in accordance with the provisions of these regulations; major breaches of these regulations may be dealt with under the provisions of this Code.

Misconduct and the Criminal Law

32.8 Where the University believes that a criminal offence may have been committed, it may refer the matter to the police.

32.9 A finding of guilt or an acquittal in a criminal court shall not preclude proceedings under this Code in respect of the same incident.

32.10 The University may, at its discretion, await the outcome of any criminal proceedings before deciding whether to initiate any internal action in respect of alleged criminal misconduct.

32.11 The University may, at its discretion, suspend any internal action under the Code of Student Conduct in respect of alleged criminal misconduct to await the outcome of any criminal proceedings.

32.12 Where a student is convicted of an offence, that conviction may be relied upon as evidence in any University conduct proceedings provided that the circumstances leading to that conviction are directly relevant to those proceedings.

32.13 Any sentence or order pronounced by a criminal court shall be taken into account in the imposing of any penalty under this Code.

⁴⁹ The University's Code of Policy and Procedures for Investigating Allegations of Misconduct in Research is currently under review and will be expanded in scope to include students of the University. This Code is available at: www.gla.ac.uk/media/media_204136_en.pdf and may be referred to during Student Conduct proceedings.

Assessors for Student Conduct

32.14 The Senate shall appoint from its members a minimum of five Assessors for Student Conduct (hereafter described as Assessors), who shall hold office for a period of four years. The Senate shall appoint annually for one year a Senior Assessor from amongst the Assessors. No Assessor shall be a member of the Student Conduct Committee. Any of the duties of the Senior Assessor may be performed by any of the Assessors.

Student Conduct Committee

32.15 A Student Conduct Committee shall be appointed by the Senate. The Committee shall be convened by the Principal who may delegate his or her authority to one of the Vice Principals or, in the case of appeals considered by the Student Conduct Committee, the Clerk of Senate. The remaining composition of the Committee shall be five members of the Senate nominated by each College who shall be persons of experience, one of whom shall retire annually; four currently registered students at least one of whom shall be the President or Vice President of Students' Representative Council. Student members shall be nominated annually before Christmas by the Students' Representative Council. Five members shall constitute a quorum which shall include the Convener and at least three College members of the Committee; in addition, all reasonable steps will be taken to ensure that a student member is in attendance. Decisions of the Committee shall be by a majority, with the Convener having a casting vote, if necessary. The Committee may have the assistance of a legal adviser.

Referral

32.16 The Clerk of Senate, or his or her nominee, shall have the power to take action to suspend a student from either all or part of the University where he or she is of the opinion that it is necessary to take such action pending further investigation under this Code.

32.17 Any allegation that a student of the University has engaged in misconduct may be reported by or through an officer or member of staff of the University, or by or through any student, to the Senior Assessor through the Director of the Senate Office. Unauthorised electronic recordings of previous meetings or events will not be admissible as evidence at the hearing.

Procedure Before the Assessors

Allegation that a student of the University has engaged in misconduct

32.18 Prior or subsequent to an interview with the student against whom an allegation under §32.17 is made, the Assessors are entitled to conduct such investigation as they consider appropriate. Such investigation may include interviews with the person who reported the alleged misconduct and officers, members of staff and students of the University and, if necessary, members of the public. After such investigation the Assessors may decide not to proceed any further with the case.

32.19 If the identity of the student against whom an allegation under §32.17 is known, or believed to be known, he or she may be required to attend for an interview with the Assessors. Where a student of the University is alleged to have engaged in misconduct which in the opinion of the University is of a serious nature, the Senior Senate Assessor in consultation with another Assessor may, having determined there is a *prima facie* case, make a preliminary disposal to refer the case directly to the Senate Student Conduct Committee for a full hearing.

32.20 As soon as practicable the student will be informed in writing and be provided with details of the alleged misconduct and of the requirement to attend for interview.

32.21 Exceptionally, where circumstances prevent a student attending an interview in person (such as, through illness or where a student is overseas), the Assessors may decide to take evidence by way of a written statement as opposed to the appearance of the student and or his or her representative before the Assessors. The Assessors will consider any such written statement in the same way as any oral statement.

32.22 The student shall have the right to be accompanied, assisted or represented at the interview by one of the following: a parent or guardian; a fellow student or other friend; an Officer of the Students' Representative Council; a member of University staff, or any other person. At the interview, the Assessor will ascertain who is to be the spokesperson for the student (himself or herself or a representative). Nonetheless, the Assessors shall have the right to question the student directly, where necessary. Those accompanying or assisting shall be given the opportunity to contribute at the invitation of the Assessor conducting the interview. The Assessors shall be assisted by a clerk who will take a record of the meeting.

32.23 Any unauthorised electronic recording of the hearing is expressly forbidden by the University.

32.24 At the interview the student shall be informed of the particulars of the alleged misconduct, be given the opportunity to respond and be invited to admit or deny responsibility.

32.25 If responsibility is admitted or if the case is determined under §32.26 (b)(i) on the basis of beyond reasonable doubt:

- a) the Assessors shall invite the student, or any representative, to make a statement in explanation or extenuation of the misconduct or in mitigation of the penalty;
- b) thereafter, the Assessors may, as appropriate:

- i) admonish the student;
 - ii) issue a reprimand or a severe reprimand;
 - iii) order the student to make restitution, without financial limit, for damage done to University or private property or costs incurred by the University or another party;
 - iv) impose a monetary penalty not exceeding £200;
 - v) order the student to perform some duty in the service of the University up to a maximum of 24 hours, no more than two hours to be undertaken consecutively and subject to such supervision as the Assessor may decide;
 - vi) rescind the result of an assessment or examination diet;
 - vii) impose an academic penalty in the case of an academic offence;
 - viii) suspend the student from the University, or part of the University, for a period not exceeding 12 weeks, or permit the student to continue subject to conditions;
 - ix) select any combination of the above.
- c) The Assessors shall inform the relevant Board of Examiners where an academic penalty is imposed. The Board of Examiners shall not revisit or alter the penalty imposed.
- d) The Assessors may also require the student to write a letter of apology to a wronged party.
- e) In the event that a monetary penalty is imposed or where restitution is required, the timing and method of payment will be at the discretion of the Assessors.
- f) Should the Assessors consider that the penalties or actions available to them are inadequate, they may refer the matter to the Student Conduct Committee.
- g) The student has the right of appeal to the Student Conduct Committee in respect of any penalty or condition imposed by the Assessors. The procedures are set out under §32.34 - §32.37 below.

32.26 If responsibility is not admitted, the Assessors may:

- a) determine that no further action is required; or
- b) i) in the case of minor misconduct, determine the case on the basis of beyond reasonable doubt based on the evidence available. The procedures under §32.25 then apply; or
ii) in the case of serious misconduct, refer the matter to the Student Conduct Committee; or
- c) conduct further investigations, as permitted under §32.18 and then proceed as in (a) or (b) above.

Appeal to the Senate Assessors for Student Conduct

32.27 A student who wishes to appeal to the Senate Assessors for Conduct Committee against a penalty or condition imposed by a Head of School under the Plagiarism Statement or by another university officer as set out in §32.7 above must do so in writing to the Director of the Senate Office within 10 working days of the date of the issue of the written decision of the Head of School or other university officer.

32.28 The Assessors will consider an appeal against the penalty imposed only on the grounds that:

- a) new evidence has emerged which could not reasonably have been produced at the first stage;
- b) there has been defective procedure at the first stage
- c) the penalty imposed was clearly unreasonable.

The letter of appeal must clearly specify the details of any new evidence, the manner in which the procedures were defective or in what respects the student believes the Head of School or other officer have been mistaken in imposing a penalty. The letter should also specify the remedy that the student seeks.

32.29 Upon receipt of a written appeal, the Senior Assessor, after consultation with one other Assessor, may:

- a) dismiss the appeal because it is out of time or the appellant has failed to bring the appeal within any of the grounds specified in §32.28 (a)-(c) above;
- b) refer the appeal for consideration where grounds for appeal are established.

32.30 Where grounds for appeal are established, the appellant shall have the right to appear before the Assessors if he or she wishes and to be accompanied, assisted or represented at the interview by one of the following: a parent or guardian; a fellow student or other friend; an Officer of the Students' Representative Council; a member of University staff, or any other person.

32.31 The Head of School or other officer shall be at the hearing.

32.32 Thereafter, the procedure will be:

- a) the appeal will be heard by at least two Assessors;

- b) the Assessors shall invite the student, or someone on his or her behalf, to make a statement;
- c) the Assessors are entitled to question the student;
- d) the Assessors shall invite the Head of School or other officer exercising discipline to present a response to the appeal;
- e) thereafter, all persons except the Assessors and the clerk shall retire while the Assessors consider their decision and shall return to hear that decision delivered
- f) in determining the appeal against a penalty, the Assessors may:
 - i) take into account any record of previous breaches of University discipline admitted by or proved against the student;
 - ii) set aside, vary, or confirm the penalty imposed by the Head of School or other officer exercising discipline.

Outcome of the Interview or Hearing with the Assessors

32.33 The Assessors shall normally announce to the student the outcome of the interview or hearing at its conclusion. The student shall be informed in writing of the outcome within 10 working days⁵⁰.

Appeal to the Student Conduct Committee

32.34 A student who wishes to appeal to the Senate Student Conduct Committee against a penalty or condition imposed by the Assessors or against the decision of the Assessors in disposing of an appeal at an earlier stage must do so in writing to the Director of the Senate Office within 10 working days of the date of the issue of the written decision of the Assessor for Student Conduct.

32.35 The Committee shall consider an appeal against a penalty or condition imposed by the Assessors or against the decision of the Assessors in disposing of an appeal at an earlier stage only on the grounds that:

- a) new evidence has emerged which could not reasonably have been produced at the Assessor stage;
- b) there has been defective procedure at the Assessor stage;
- c) the penalty or condition imposed by the Assessors or the disposal of an appeal at the Assessor stage was clearly unreasonable, as appropriate.

32.36 The letter of appeal must clearly specify the details of any new evidence, the manner in which the procedures were defective or in what respects he or she believes the Assessors have been mistaken in their decision. The letter should also specify the remedy that the student seeks.

32.37 An appeal against the decision of the Senate Assessors for Student Conduct shall normally have the effect of suspending, for the duration of the appeal proceedings, any penalty or condition imposed. The Clerk of Senate shall, nevertheless, have the right to not suspend a penalty or condition on the recommendation of the Senate Assessors for Student Conduct. In such cases the Clerk of Senate shall inform the appellant of the decision and the reasons for that decision. This provision shall not apply to a suspension under §32.16 of this Code.

32.38 The Convener of the Student Conduct Committee may make a preliminary disposal. The Convener may at his or her discretion consult with two members of the Student Conduct Committee in making a preliminary disposal and may:

- i) dismiss the appeal because the subject-matter of the appeal does not fall within the scope of §32.36 above;
- ii) dismiss the appeal because no competent grounds have been stated or because the appeal is frivolous or vexatious or because the appeal is out of time;
- iii) dismiss the appeal because it does not establish a *prima facie* case that disposal by the Assessors involved defective or unfair procedure, or a failure to take relevant medical evidence or adverse personal circumstances into account or was manifestly unreasonable;
- iv) dismiss the appeal because the new evidence submitted by the student could reasonably have been presented to the Assessors;
- v) refer the appeal to the Student Conduct Committee for a full hearing. Provision of a hearing does not imply that a *prima facie* case has been established.
- vi) uphold the appeal and set aside or vary the decision and/or penalty imposed by the Assessors.

32.39 The Convener may also take such other interim action by way of seeking further information as he or she deems appropriate.

32.40 The Clerk to the Student Conduct Committee shall state in the letter to the student intimating the outcome of the preliminary disposal the reasons for the decision and shall provide the papers which were considered by the Committee.

⁵⁰ For the purposes of this Code, Monday to Friday are counted as working days except when the University is closed for a Public Holiday (as listed at www.gla.ac.uk/services/humanresources/staff/all/worklife/holidays/public/). Saturdays and Sundays are not counted as working days.

32.41 An appeal which has been dismissed under preliminary disposal may be reconsidered under preliminary disposal on only one further occasion if the student makes representation stating the reasons why the appeal should not have been dismissed. The representation and the reasons shall be made in writing within 10 working days of the date of the letter intimating the outcome of preliminary disposal.

Procedure Before the Student Conduct Committee

32.42 Where a student has his or her case referred to the Student Conduct Committee:

- a) because of preliminary disposal; or
- b) because of denial of responsibility; or
- c) because the penalties or actions available are considered by the Assessor to be inadequate, or
- d) where a student appeals against the penalties or conditions imposed by the Assessors or the decision of the Assessors in disposing of an appeal at an earlier stage.

The Assessors shall furnish to the Committee a written statement of the circumstances of the case, a copy of which shall be sent to the student before the hearing by the Committee.

32.43 At least 10 working days before the hearing the Clerk of the Student Conduct Committee (the Director of the Senate Office, or his or her nominee) shall send to the student notice of the hearing and particulars of the alleged misconduct and, where appropriate, the penalty or condition imposed by the Assessor or other relevant officer.

32.44 The student shall be entitled to be accompanied, assisted or represented at the hearing by one of the following: a parent or guardian; a fellow student or other friend; an Officer of the Students' Representative Council; a member of University staff, or any other person. The student shall inform the Clerk of the Committee at least five working days before the hearing of the name of any legal representative.

32.45 At the request of the student the Student Conduct Committee may decide to take evidence by way of a written statement as opposed to the appearance of the student and or his or her representative before the Committee provided all the other parties to the case agree. The Committee will consider any such written statement in the same way as any oral statement.

32.46 At the hearing, the Convener will ascertain who is to be the spokesperson for the student (himself or herself or a representative). The Committee shall nevertheless have the right to question the student directly, where necessary. Those accompanying or assisting shall be given the opportunity to contribute at the invitation of the Convener.

32.47 Other persons may attend meetings of the Student Conduct Committee at the discretion of the Committee.

32.48 Any unauthorised electronic recording of the hearing is expressly forbidden by the University.

32.49 If the student, who has denied responsibility before the Assessor, wishes to accept responsibility he or she may do so in writing to the Clerk of the Student Conduct Committee before the hearing of the case. The case will then be referred back to the Assessors for consideration in accordance with §32.25.

Referral under Preliminary Disposal or Denial of responsibility

32.50 Where the case involves a reference from the Assessors under preliminary disposal or because of denial of responsibility:

- a) evidence shall be led by, or on behalf of, an Assessor;
- b) the Committee is entitled to question any witnesses;
- c) the student is entitled, but cannot be required, to give evidence on his or her behalf,
- d) the student, or someone on his or her behalf, is entitled to cross-examine any witnesses called by, or on behalf of, the Assessor;
- e) the student is entitled to call witnesses and to examine them, and to produce before the Committee any evidence relevant to the case;
- f) the Assessor, or someone acting on his or her behalf, is entitled to cross-examine any witnesses called on behalf of the student;
- g) at the conclusion of the evidence, the student, or someone acting on his or her behalf, and the Assessor, or someone acting on his or her behalf, may make submissions on the evidence;
- h) thereafter, all persons except the Committee and its Clerk and any legal adviser appointed under §32.15 shall retire while the Committee considers its decision and shall return to hear that decision delivered;
- i) the Committee shall determine whether the case presented by, or on behalf of, the Assessor is established on the balance of probabilities
- j) if the case is established:
 - i) the Committee shall invite the student, or someone on his or her behalf, to make a statement in explanation or extenuation of the misconduct;

- ii) the student and anyone accompanying shall retire while the Committee considers its decision and shall return to hear that decision delivered;
- iii) the Student Conduct Committee may impose such penalty or condition as it considers appropriate. The outcome may include suspension or expulsion. In making its decision, the Committee shall confirm whether it recommends to the Clerk of Senate that any of its penalties or conditions should not be suspended if the student submits an appeal against the Committee's decision (see §32.64 of this Code).
- k) if the case is not established it will be at an end.

Penalties or actions available to the Assessors are considered inadequate

32.51 Where the Assessors have referred the case because the penalties or actions available were considered by the Assessors to be inadequate:

- a) the Committee shall invite the Senior Senate Assessor to present the report;
- b) the Committee shall then invite the student, or someone on his or her behalf, to make a statement in explanation or extenuation of the misconduct;
- c) the Committee is entitled to question the student;
- d) thereafter, all persons except the Committee and its Clerk and any legal adviser appointed under §32.15 shall retire while the Committee considers its decision and shall return to hear that decision delivered;
- e) the Student Conduct Committee may impose such penalty or condition as it considers appropriate. The outcome may include suspension or expulsion. In making its decision, the Committee shall confirm whether it recommends to the Clerk of Senate that any of its penalties or conditions should not be suspended if the student submits an appeal against the Committee's decision (see §32.64 of this Code).

Appeal against a penalty or condition imposed by the Assessors or against the decision of the Assessors in disposing of an appeal at an earlier stage

32.52 Where the student has appealed against a penalty or condition imposed by an Assessor or against the decision of the Assessors in disposing of an appeal at an earlier stage:

- a) the student and the Assessors are entitled to call witnesses;
- b) the Committee shall invite the student, or someone on his or her behalf, to make a statement;
- c) the Committee is entitled to question the student and any witnesses;
- d) the Committee shall invite the Assessor to comment;
- e) thereafter, all persons except the Committee and its Clerk and any legal adviser appointed under §32.15 shall retire while the Committee considers its decision and shall return to hear that decision delivered;
- f) in determining the appeal against a penalty, condition, or the decision of the Assessors in disposing of an appeal at an earlier stage, the Committee may:
 - i) take into account any record of previous breaches of the Code of Student Conduct admitted by or proved against the student;
 - ii) set aside, vary, or confirm the decision of the Assessors

Decision of the Student Conduct Committee

32.53 The decision of the Committee shall normally be announced to the student at the conclusion of the hearing. The student shall be informed in writing of the decision within 10 working days.

Failure to Appear

32.54 Subject to the provision of medical or other reasonable grounds, if the student does not appear on the date appointed and the Senate Assessors for Student Conduct or the Student Conduct Committee are satisfied that he or she has received due notice to appear, the Assessors or the Committee may proceed to deal with the charge and, if it is found to be proved, impose the appropriate penalty in his or her absence.

Failure to Comply with the Code of Student Conduct

32.55 Where a student has failed to comply, without good reason, with the Code of Student Conduct whether by non-attendance at an interview with the Senate Assessors or at a hearing of the Student Conduct Committee or by defaulting on the penalties or conditions imposed, the Clerk of Senate, or his or her nominee, may refuse to allow the student to register or graduate pending compliance.

Appeal Against a Decision of the Student Conduct Committee

32.56 A student has the right of appeal against a decision of the Student Conduct Committee except in cases under §32.34 - §32.37 of this Code where the decision relates to an appeal against a penalty or decision of the Senate Assessors for Student Conduct.

32.57 Any appeal shall be submitted in writing to the Senate Office within 10 working days from the issue of the written decision of the Student Conduct Committee (i.e. the date of the letter of decision).

The permitted grounds for appeal are:

- i) new evidence has emerged which could not reasonably have been presented to the Senate Student Conduct Committee;
- ii) there has been defective procedure by the Senate Student Conduct Committee;
- iii) the penalty or condition(s) imposed by the Senate Student Conduct Committee was clearly unreasonable.

32.58 The letter of appeal must clearly specify the details of any new evidence, and/or the manner in which the procedures were defective and/or in what respects the appellant believes the Senate Student Conduct Committee was mistaken in its decision. The letter should also specify the remedy the appellant seeks.

32.59 Additional grounds for the appeal may be admitted subsequently only at the discretion of the Convener; additional grounds presented at a hearing may lead to the adjournment of the hearing.

32.60 The Clerk of Senate shall convene the Student Conduct Appeal Committee which is a committee of Senate drawn from the membership of the Senate Student Conduct Committee. The quorum shall be four and no member shall have had any previous involvement with the case. If the Clerk of Senate has had prior involvement with the case, he or she shall nominate an alternative convener who shall be of an equivalent level of seniority within the University (e.g. a Vice Principal). The Committee may have the assistance of a legal adviser. The Student Conduct Appeal Committee shall have full powers to decide the appeal and shall report its decision to Senate. Decisions of the Student Conduct Appeal Committee shall be by a majority, with the Convener having the casting vote, if necessary.

32.61 The Convener of the Student Conduct Appeal Committee may make a preliminary disposal. The Convener may at his or her discretion consult with two members of the Student Conduct Appeal Committee in making a preliminary disposal and may:

- i) dismiss the appeal because no competent grounds have been stated within the scope of §32.57 above;
- ii) dismiss the appeal because the appeal is frivolous or vexatious or because the appeal is out of time;
- iii) dismiss the appeal because it does not establish a *prima facie* case that disposal by the Senate Student Conduct Committee involved defective or unfair procedure, or a failure to take relevant medical evidence or adverse personal circumstances into account or was manifestly unreasonable;
- iv) dismiss the appeal because the new evidence submitted by the appellant could reasonably have been presented to the Senate Student Conduct Committee;
- v) refer the appeal to the Student Conduct Appeal Committee for a full hearing. Provision of a hearing does not imply that a *prima facie* case has been established;
- vi) uphold the appeal and set aside or vary the decision and/or penalty imposed by the Senate Student Conduct Committee.

32.62 The Convener may also take such other interim action by way of seeking further information as he or she deems appropriate.

32.63 The Clerk to the Student Conduct Appeal Committee shall state in the letter to the appellant intimating the outcome of the preliminary disposal the reasons for the decision and shall provide the papers which were considered by the Committee.

32.64 An appeal which has been dismissed under preliminary disposal may be reconsidered under preliminary disposal on only one further occasion if the appellant makes representation stating the reasons why the appeal should not have been dismissed. The representation and the reasons shall be made in writing within 10 working days of the date of the letter intimating the outcome of preliminary disposal.

Procedure Before the Student Conduct Appeal Committee

32.65 The Convener of the Student Conduct Committee shall furnish to the Student Conduct Appeal Committee a written statement of the circumstances of the case, a copy of which shall be sent to the appellant before the hearing. The Convener of the Student Conduct Committee, or his or her nominee, shall attend the hearing.

32.66 The papers shall be sent to the appellant at least 10 working days prior to the meeting to provide reasonable time for the preparation of the case.

32.67 The appellant shall be entitled to be accompanied, assisted or represented at the hearing by one of the following: a parent or guardian; a fellow student or other friend; an Officer of the Students' Representative Council; a member of University staff, or any other person. The appellant shall inform the Clerk of the Student Conduct Appeal Committee at least five working days before the hearing of the name of any legal representative.

32.68 Subject to the provision of medical or other reasonable grounds, if the appellant does not appear on the date appointed and the Student Conduct Appeal Committee is satisfied that he or she has received due notice to appear, the Student Conduct Appeal Committee may proceed to consider the case and make its judgement in his or her absence.

32.69 At the hearing:

- a) the Committee shall invite the appellant, or someone on his or her behalf, to make a statement;
- b) the Committee is entitled to question the appellant or his or her representative;
- c) the Committee shall invite the Convener of the Student Conduct Committee, or his or her nominee, to comment;
- d) thereafter, all persons except the Student Conduct Appeal Committee and its Clerk and any legal adviser appointed under §32.60 shall retire while the Committee considers its decision and shall return to hear that decision delivered;
- e) in determining the appeal against a penalty or the decision of the Student Conduct Committee the Committee may:
 - i) take into account any record of previous breaches of the Code of Student Conduct admitted by or proved against the appellant;
 - ii) set aside, vary, or confirm the decision of the Student Conduct Committee and may confirm, reduce or increase any penalty imposed by the Student Conduct Committee.

32.70 An appeal against the decision of the Student Conduct Committee shall normally have the effect of suspending, for the duration of the appeal proceedings, any penalty or condition imposed. The foregoing notwithstanding, the Clerk of Senate shall have the right to continue a penalty or condition on the recommendation of the Student Conduct Committee. In such cases the Clerk of Senate shall inform the appellant of the decision and the reasons for that decision. **This provision shall not apply to a suspension under §32.16 of this Code.**

32.71 The decision of the Student Conduct Appeal Committee will be final and there shall be no further opportunity for appeal against that decision within the University.

32.72 The University reserves the right to suspend procedures for appeal within this Code if the student behaves inappropriately. In such cases the Clerk of Senate or his/her nominee shall suspend procedures and advise the student accordingly. Misconduct may be in breach of the Code of Student Conduct and further conduct proceedings invoked.

Independent External Review

32.73 Section 6(2) of the *Universities (Scotland) Act, 1889*, gives the University Court power to review any decision of the Senate. The University Court has devolved its responsibilities in this respect to an external adjudicator⁵¹. Although the decision of the external adjudicator is not legally binding on the University Court, the expectation is that the University Court shall accept the decision and any accompanying recommendations.

32.74 If a student is dissatisfied with the outcome of an appeal against a student conduct decision, he/she shall have the right to an external review, details of which shall be available from the Senate Office.

Records and Reports

Student Conduct Records

32.75 The Senate Office shall keep records of meetings the Assessors hold with students, and also of the proceedings of the Student Conduct Committee. Such records shall be retained for a minimum of six academic sessions after the incident under investigation; and, if longer than this, for the remaining duration of the student's registration with the University.

Reports to Senate

32.76 The Senate Assessors for Student Conduct will provide an Annual Report, stating the number and types of misconduct found to have been committed and the disposals thereof, to the Senate at its first meeting of each session. The Student Conduct Committee will provide a report, stating its disposal of any misconduct or appeals heard by the Committee, to the Senate at its next regular meeting.

The Student Record

32.77 Details of any penalty imposed by the Assessors or the Student Conduct Committee shall be held in the record of the student concerned in the Senate Office.

33 FITNESS TO PRACTISE

33.1 The Senior Senate Assessor for Student Conduct shall report to the appropriate Head of School the details of any breach of the University Code of Student Conduct concerning a student on a programme of study subject to fitness to practise procedures where the offence indicates a breach of or non-compliance with the relevant Code of Professional Conduct and Fitness to Practise. This will occur where responsibility for the offence has either been admitted by the student or where the case has been established by the Senate Assessors for Student Conduct or the Disciplinary Committee.

⁵¹ External adjudication will be provided by the Scottish Public Services Ombudsman (www.spsso.org.uk/).

34 PROCEDURE FOR DETERMINING FITNESS TO PRACTISE

The Procedure for Consideration of Fitness to Practise is governed by Resolution No. 565 of the University Court which came into effect on 1 October 2004.

Introduction

34.0.1 Where a programme of study requires the student to act in the course of practical training in a quasi-professional role in relation to patients, children, clients or service-users or where the qualification provides a direct licence to practise, the University has a duty to ensure that the student is fit to practise. Students registered for these programmes of study are subject to separate fitness to practise procedures. The aims of the procedures are:

- a) to protect present or future patients, children, clients or service users;
- b) to comply with the requirements of professional bodies;
- c) to protect the health and well being of students and to ensure that they are provided with appropriate advice concerning the requirements of the professional body they seek to join;
- d) to protect the institution against legal action brought by someone claiming to have suffered loss as a result of a student proving during training or after qualification to be unfit to practise.

To these ends, fitness to practise is assessed not only in terms of academic attainment but is assessed in accordance with relevant professional concerns and expectations.

Principles

34.1 School Code of Professional Conduct and Fitness to Practise

Schools providing programmes of study leading to the degrees listed below shall prepare a School Code of Professional Conduct and Fitness to Practise derived from any related code developed by the relevant professional or accrediting body for students, trainees or other members of the profession.

School of Law

Diploma in Professional Legal Practice

School of Medicine

MBChB

BDS

BN

Doctorate in Clinical Psychology

School of Education

BEd

Postgraduate Diploma in Education

BTechnolEd

BTechStudies

MA with teaching qualification

Dip/MEd Community Learning & Development

BA Community Development

BA in Childhood Practice

School of Veterinary Medicine

BVMS

34.2 Students and the Code

- i) A student registered for one of the programmes of study which are subject to fitness to practise procedures may be treated differently from other students of the University if there is any question as to whether he or she is a fit and proper person to practise his or her intended profession.
- ii) All new entrants to programmes of study which are subject to fitness to practise procedures shall undergo training before the end of the first semester of the first year of study, designed to explain the nature and effect of the School Code of Professional Conduct and Fitness to Practise. The training shall address the relevance of compliance and non-compliance with the Code in respect of their progress on the programme.
- iii) Continuing students on programmes of study which are subject to fitness to practise procedures shall be provided with a copy of the current School Code of Professional Conduct and Fitness to Practise within the first five weeks of each session and their attention drawn to any changes.

- iv) Where a student has failed to comply with a School Code of Professional Conduct and Fitness to Practise the student may be required to leave the programme of study.

34.3 Applicants and Publicity

- i) Where fitness to practise procedures apply to a programme of study this shall be noted in the publicity material for the programme (including the University Prospectus) and a copy of the School Code of Professional Conduct and Fitness to Practise shall be made available on request or via the internet.
- ii) Applicants shall be made aware when fitness to practise procedures apply to the programme of study for which they have applied and the implications of this. A copy of the School Code of Professional Conduct and Fitness to Practise shall be provided with the final confirmation of admission.

34.4 Breaches of the Code

Informal resolution

- i) Where a breach of the Code occurs or where there is a pattern of behaviour or an issue of persistent ill health, which has a bearing on fitness to practise, the School shall document the issue and agree with the student appropriate action and a deadline by which any action must take place. Where possible the matter shall be dealt with informally. The School shall ensure that the student is made aware of the support services which are available: such as Adviser of Studies or equivalent, the Barclay Medical Centre, Student Counselling and Advisory Service, Student Disability Service and Students' Representative Council.

Formal procedure

- ii) If the agreed action is not carried out or there has been a repetition of the breach or the breach is considered by the Head of School to be of sufficient seriousness that the informal process is inappropriate, the School Administrator shall write to the student informing him/her that the matter will be referred for formal consideration by the School Fitness to Practise Committee. The student shall be advised of the reason for the referral.
- iii) Any referral shall follow the procedure set out below.

Appeal process

- iv) A student may appeal against any decision of the School Fitness to Practise Committee to the Senate Fitness to Practise Committee in accordance with the procedure set out below.
- v) A student who has a concern about how a matter has been handled at any stage, may raise the matter in terms of Complaints Procedure, (See Section 29 above).

34.5 Members of Committee

- i) Schools providing a programme of study leading to any of the degrees listed in §34.1 above shall establish a School Fitness to Practise Committee the members of which are appointed annually. Members shall normally serve for three years.
- ii) The Senate shall establish a Senate Fitness to Practise Appeals Committee, the members of which shall be appointed annually. Members shall normally serve for three years.
- iii) Members of staff responsible for managing matters concerning fitness to practise and members of School and Senate Fitness to Practise Committees shall receive an annual briefing.
- iv) External members and student members of School and Senate Fitness to Practise Committees shall be given appropriate guidance.

34.6 Reports

The School Fitness to Practise Committees and the Senate Fitness to Practise Appeals Committee shall provide an annual report to Senate.

Procedure for Consideration of Fitness to Practise

34.7.1 Initial (informal) Procedure

- i) Any breach of a School Code of Professional Conduct and Fitness to Practise must be reported in writing to the Head of the School in which the student is studying. The report must be signed and dated by the person or persons responsible for making the referral. In exceptional circumstances, the Head of School may permit the identity of the person making the report to remain confidential where it is considered necessary to protect the interests of the person making the allegation.
- ii) On receipt of a written report, the Head of School may refer the matter to the appropriate Programme Director, or Head of Subject, who shall investigate the matter, interview the student and consult such persons as it is deemed necessary to determine the facts of the case. Where possible the matter shall be resolved informally with the agreement of the student and any one affected. Support, assistance or advice shall be provided.
- iii) At this informal stage, a student may be accompanied by a family member or a friend but shall not normally be permitted to be represented formally by a member of the SRC or other formally appointed individual at any interview relating to fitness to practise.
- iv) A record shall be kept of a referral, of any interview concerning the referral and of any action subsequently taken.

34.7.2 Referral to the School Fitness to Practise Committee

- i) A student shall be referred to the School Fitness to Practise Committee in the following circumstances:
 - a) where a minor breach is repeated and is considered by the Head of School to constitute a pattern of behaviour which is not compliant with the School Code of Professional Conduct;
 - b) where a review of the progress made by the student following action under the informal procedure indicates that the breach of the School Code of Professional Conduct and Fitness to Practise remains;
 - c) where a reported breach of the Code is deemed by the Head of School to be of sufficient seriousness to warrant immediate referral to the School Fitness to Practise Committee rather than resolution by the informal procedure.

34.7.3 Referral by the Head of School to the Senior Senate Assessor for Student Conduct

- i) If on receipt of a report, the Head of School considers that a breach of the University Code of Student Conduct has occurred, the student shall be referred in the first instance to the Senior Senate Assessor for Student Conduct. When the case has been considered under the Code of Student Conduct, the Senior Senate Assessor for Student Conduct shall report to the Head of School the outcome of consideration of the case and any ensuing action under the Code of Student Conduct.

34.7.4 Referral by the Senior Senate Assessor for Student Conduct to the Head of School

- i) The Senior Senate Assessor for Student Conduct shall report to the Head of School, the details of any breach of the University Code of Student Conduct concerning a student on a programme of study subject to fitness to practise procedures where the offence indicates a breach of or non-compliance with the School Code of Professional Conduct and Fitness to Practise. This will occur where responsibility for the offence has either been admitted by the student or where the case has been established by the Senate Assessors for Student Conduct or the Disciplinary Committee or where the student has been convicted of a criminal offence.
- ii) On receipt of a report from the Senior Senate Assessor for Student Conduct, the Head of School may take such immediate action including suspension designed to protect patients, children, clients or service users as he or she thinks fit but shall not refer the matter to the School Fitness to Practise Committee until the time permitted for an appeal under the Code of Student Conduct has elapsed without any appeal being lodged or until any appeal has been heard and a decision adverse to the student has been reached.

34.7.5 Suspension of Study

- i) The Head of School may suspend the student's studies and may limit access to University facilities or to placement premises pending investigation under this procedure where suspension is justified to protect the interests of patients, children, clients or service users, the student concerned, other students or members of staff of the University.
- ii) The Head of School shall inform the student in writing of the details of any suspension.
- iii) The student shall have the right to call for a review of the suspension by the Head of School after 20 working days.⁵²
- iv) The review of the suspension shall be conducted by a senior member of the College who has not been involved in the referral or the investigation of the referral and who is not a member of the standing School Fitness to Practise Committee.

34.7.6 Investigation of a breach of the School Code of Professional Conduct and Fitness to Practise

- i) On receipt of a written report relating to an issue which has either not been resolved by the informal procedure or has been repeated or is of sufficient seriousness to warrant referral to the School Fitness to Practise Committee, the Head of School, shall appoint an Investigating Officer who shall be a senior member of the School and who shall not be a member of the School Fitness to Practise Committee.
- ii) The Head of School shall inform the student in writing of the details of the referral and the name of the Investigating Officer and shall state the procedure for the investigation. The student shall be invited to provide a written statement to the Investigating Officer within 10 working days concerning the matters raised in the referral. The student shall have the right to representation by a member of the SRC or other formally appointed representative or to be accompanied by a family member or friend at any meeting with the Investigating Officer.
- iii) The Investigating Officer in the presence of another member of staff shall interview the student and shall interview any person or persons named in the referral or responsible for the referral. Details of the student's academic record and any other relevant documentation shall be made available to the Investigating Officer. The notes of the interviews shall be retained in the record of the investigation and a reference to the investigation shall be held in the student file.

⁵² For the purposes of this Procedure, Monday to Friday are counted as working days except when the University is closed for a Public Holiday (as listed at www.gla.ac.uk/services/humanresources/staff/all/worklife/holidays/public/). Saturdays and Sundays are not counted as working days.

- iv) The student may be required by the Investigating Officer to attend an Occupational Health Department or other relevant service in order to ascertain his/her fitness to practise.
- v) Strict confidentiality shall be observed throughout the course of the investigation.
- vi) The Investigating Officer shall submit a written report of the investigation to the Head of School normally within 20 working days of his/her appointment. The report shall include a recommendation relating to the continuation or otherwise of any suspension from study. The Head of School shall determine, on the basis of the Investigating Officer's report, whether to refer the case to a full hearing before the School Fitness to Practise Committee or to manage the case by the informal procedure or alternatively that no breach of the School Code of Professional Conduct and Fitness to Practise has occurred.
- vii) The Head of School shall inform the student and his/her representative in writing within five working days of receipt of the report from the Investigating Officer of his/her decision following the investigation.

34.7.7 Retention of Records during the Investigation

All papers relating to an allegation under investigation shall be held in a file clearly marked "under investigation" in the office of the Head of School. A reference to the investigation shall be held in the student's file.

34.7.8 Constitution of the School Fitness to Practise Committee

- i) The Committee shall be constituted as follows:
 - a) the Head of a cognate School as Convener;
 - b) four members drawn from a panel appointed by the School in which the student is studying;
 - c) a representative member or registrant of the relevant professional body concerned who is not a member of the University.
- ii) No person who has signed or co-signed a referral or who undertook the investigation of the alleged breach or was involved in an informal consideration of the alleged breach may sit on the Committee to consider the case.
- iii) The Committee may have the assistance of a legal adviser.
- iv) The School Administrator or his/her nominee shall act as Clerk to the Committee.
- v) The membership of a School Fitness to Practise Committee shall be reported to the Senate annually. Members shall normally serve for three years.

34.7.9 Arrangements for a Hearing

- i) Timing of a hearing

Where a hearing before the School Fitness to Practise Committee is required, the hearing shall normally take place within 15 working days of the date of the letter of notification from the Head of School to the student intimating the decision following the investigation.

- ii) Preparation of the papers

The Clerk of the Committee shall:

- a) provide the student (or his or her representative) with a copy of the original report submitted to the Head of School subject to any action taken to protect the anonymity of the person making the report in terms of §34.7.1 above;
 - b) provide the student (or his or her representative) with a copy of the report if one has been prepared by an Investigating Officer;
 - c) invite the student (or his or her representative) to submit a written statement in response to the statements contained in the report(s);
 - d) invite the student (or his or her representative) to submit any other documentation which the student wishes the Committee to consider.
- iii) The student (or his or her representative) shall be provided no less than 10 working days in advance of the hearing, with a copy of all papers which shall be before the Committee and the names of those persons who shall be in attendance. The documents shall be sent by Recorded Delivery/University Courier to the student or may, at the student's request, be collected in person.
 - iv) The Clerk to the Committee shall notify the student (or his or her representative) no less than five working days prior to the hearing of the date, time and location of the hearing and the names of the members of the Committee who shall consider the case.

34.7.10 Attendance at Hearing

- i) The student shall be required to attend the hearing in person. Where the student is prevented from attending by ill health, the hearing shall normally be deferred on submission of medical evidence. If the student does not attend on the date appointed and no notification of the absence has been received, if the Convener is satisfied that the

student has received due notice of the hearing, the Committee may proceed to deal with the case and to reach a decision in the student's absence.

- ii) The Head of School of the School or his/her appointed representative shall attend the hearing to present the circumstances of the referral and shall have the right to name any person or persons he/she wishes to be present to provide evidence relating to the referral.
- iii) The student shall have the right to be accompanied, assisted or represented at the hearing by one of the following: a parent or guardian; a fellow student or other friend; an Officer of the Students' Representative Council; a member of University staff, or any other person. The student shall inform the Clerk of the Committee at least five working days before the hearing of the name of any legal representative. Where the student seeks to have two individuals in attendance, one shall attend as an observer only.
- iv) The student may name any person or persons he/she wishes to be present to provide evidence on his/her behalf; however any such person is under no obligation to attend the hearing or provide written evidence. The name of any person or persons, called by the student, who have agreed to provide evidence shall be provided to the Clerk of the Committee no later than 10 working days before the date of the hearing. The student shall be responsible for arranging the attendance of such persons at the hearing with the exception of members of staff of the University who shall be notified of the date, time and location of the hearing by the Clerk to the Committee.
- v) If any person or persons are unable or unwilling to attend the hearing, the Convener of the Committee shall be responsible for deciding if the hearing should proceed on the date arranged or be deferred. A written statement may be presented by any person who has been invited to attend the hearing but is not available at the date specified.
- vi) The hearing shall be held in private. Strict confidentiality shall be observed.

34.7.11 Professional Advice

- i) Where the Committee requires the advice of an expert to deal with a question of fact or special difficulty, such an expert shall provide a written report and where appropriate shall be invited to attend the hearing to provide evidence.

34.7.12 Procedure for the Conduct of a Hearing

- i) The Committee shall rely only on evidence presented at the hearing. Unauthorised electronic recordings of previous meetings or events will not be admissible as evidence at the hearing.
- ii) Statements:
 - a) at the hearing, the Convener shall invite the student and his or her representative to make a statement. If the student declines the invitation to make a statement, the Committee shall reserve the right to question the student directly;
 - b) the Head of School or his/her deputy shall present the circumstances of the case. The Committee shall then address any questions to the relevant parties including those appearing to advise the Committee or called to provide evidence and shall afford the student and his/her representative an opportunity to question the persons involved through the Convener;
 - c) the Committee shall consider any request from any person present at the hearing to make a statement or to put questions through the Committee to anyone whom the Committee has examined;
 - d) the Committee shall afford the student an opportunity to make a final statement or to have one made on his or her behalf;
 - e) the Convener shall seek confirmation from all parties that all necessary information has been conveyed to the Committee, that, in their opinion, the questioning is complete and that in the opinion of the student, the hearing has been conducted in a fair and reasonable manner.
- iii) Thereafter all persons except the Fitness to Practise Committee, its Clerk and any legal adviser appointed to advise the Committee shall retire while the Committee considers its decision. The Committee shall reach its decision or defer the decision pending further investigations.
- iv) In reaching its decision the Fitness to Practise Committee shall not be bound by the rules of evidence. The Committee shall attempt to ascertain all relevant facts with a view to coming to a reasonable disposal.
- v) At any stage the Convener may adjourn the hearing if he/she considers this to be necessary.
- vi) Any unauthorised electronic recording of the hearing is expressly forbidden by the University.

34.7.13 Disposal

- i) The Committee shall decide the matter at the conclusion of its consideration of the referral or as soon as possible thereafter.
- ii) The Committee may decide by a majority.
- iii) Where the Committee is of the view that no breach of the Code has occurred, it shall permit the student to continue the programme of study.

- iv) Where the Committee decides that a breach of the Code has occurred, the Committee may:
 - a) permit the student to continue the programme of study under close specified supervision and thereafter within a specified time to demonstrate fitness to practise to the satisfaction of the Head of School by whatever means the Committee shall decide or by whoever the Committee shall appoint or
 - b) require the student to repeat a specified part or parts of the programme of study and thereafter to demonstrate fitness to practise to the satisfaction of the Head of School or
 - c) suspend the student from the programme of study for a specified period in order to undergo a medical assessment or medical treatment, or other form of remedy and thereafter to demonstrate fitness to practise to the satisfaction of the Head of School or
 - d) authorise any other action considered appropriate by the Committee to enable the student to continue the programme of study or
 - e) exclude the student permanently from the programme of study.
- v) Where a student is unable to demonstrate fitness to practise to the satisfaction of the Head of School at the conclusion of the specified period of supervision or completion of medical treatment or other form of remedy, the case shall be referred to the School Fitness to Practise Committee for further consideration.
- vi) The decision and the reasons for the decision, with reference to any findings of fact, shall be provided in writing to the student by Recorded Delivery / University Courier normally within 10 working days of the decision being determined. If it is not possible to provide the decision and the reasons for the decision within this timescale, the student shall be informed of the reason for the delay and a new timescale shall be provided.

34.7.14 Records and Reports

- i) The Clerk to the School Fitness to Practise Committee shall prepare a written report of the hearing. The report and the papers presented to the School Fitness to Practise Committee shall be held in a confidential file in the office of the Head of School. A reference to the report shall be held in the student's file until the conclusion of the programme of study after which the report shall be archived and retained for the anticipated professional life of the individual. The School Fitness to Practise Committee shall decide whether a report shall be submitted to the professional body.

34.7.15 Annual Review

- i) The School Fitness to Practise Committee shall review its proceedings annually.

Review by the Senate Fitness to Practise Appeals Committee

34.8.1 Jurisdiction of the Senate Fitness to Practise Appeals Committee

- i) The Senate Fitness to Practise Appeals Committee shall consider appeals by students against a decision of a School Fitness to Practise Committee which falls within the scope of grounds for an appeal to Senate.

34.8.2 Lodging an appeal

Time within which an appeal is to be lodged and late appeals

- i) Where an appeal lies against a decision of the School Fitness to Practise Committee in terms of §34.8.3 below, the appeal or an intimation of intention to appeal shall be submitted in writing to the Director of the Senate Office within 10 working days of the intimation to the student of the decision against which the student is appealing. Where an intention to appeal is submitted, the full appeal shall be submitted within 20 working days of the date of the letter intimating the intention to appeal.
- ii) An application for an extension of time for submitting an appeal beyond 20 working days shall be made in writing to the Director of the Senate Office for the attention of the Clerk of Senate and shall include sufficient information concerning the nature of the appeal, shall state the grounds on which an extension of time is sought and be accompanied by such evidence of medical or other adverse personal circumstances as are relevant to the application.
- iii) An application for extension of time for submitting an appeal shall not be granted unless the Clerk of Senate is satisfied that the student was precluded from appealing within 20 working days as a result of serious illness or other circumstances which are both exceptional and relevant to the appeal.
- iv) A letter of appeal or other documents required for the consideration of an appeal shall be treated as having been given or sent on the day that it is received by the Director of the Senate Office; and any letter or document sent to any person including the student in connection with the appeal shall, if sent to the person's last notified address, be treated as having been given or sent on the day that it was posted.

34.8.3 Grounds for an appeal

- i) An appeal may be made to the Senate Fitness to Practise Appeals Committee against a decision of a School Fitness to Practise Committee only on the grounds that:
 - a) new evidence has emerged which could not reasonably have been produced to the School Fitness to Practise Committee;
 - b) there has been defective procedure at School level;

- c) the disposal by the School Fitness to Practise Committee was manifestly unreasonable.
- ii) In the case of a claim of unfair or defective procedure, evidence in the form of written statements or formal documents must be provided. Advice on a subject data access request can be obtained from the Data Protection Office at:
www.glasgow.ac.uk/dpfooffice/a-ztopics/subjectaccessrequestsar
- iii) Where the student claims that the disposal at School level was unreasonable; the student must state in writing the respects in which he/she believes that the School Fitness to Practise Committee erred in coming to its decision or was mistaken in that decision.

34.8.4 Content of a letter of appeal

- i) The letter of appeal shall state:
 - a) the name and address of the student and the telephone number and email address, if available;
 - b) the decision appealed against;
 - c) all the grounds for the appeal: additional grounds may be admitted subsequently only at the discretion of the Convener; additional grounds presented at the hearing may lead to adjournment of the hearing;
 - d) the remedy or remedies which the student seeks;
 - e) the name and address of any person whom the student has appointed as a representative or who will accompany the student at the hearing;

34.8.5 Constitution of the Senate Fitness to Practise Appeals Committee

- i) The Senate Fitness to Practise Appeals Committee shall be constituted as follows:
 - a) the Clerk of Senate as Convener;
 - b) the Senior Senate Assessor for Student Appeals or his/her deputy;
 - c) two members drawn from a panel made up of two nominees from each School with a fitness to practise procedure;
 - d) two representative members of the profession concerned who are not members of the University.
- ii) These six members shall constitute the quorum.
- iii) A representative of the student body may attend the hearing in the role of observer unless the subject of the referral has expressed the wish that no such representative shall be present.
- iv) No member of a School Fitness to Practise Committee shall be entitled to serve on the Committee. Where a member of the Committee has participated directly in the decision appealed against, that member shall not sit for that appeal.
- v) The Committee may have the assistance of a legal adviser.
- vi) The Director of the Senate Office or his/her nominee shall act as Clerk to the Committee.

34.8.6 Consideration of appeals

Power to give directions

- i) Upon receipt of a written appeal, the Clerk of Senate may direct the student (or his or her representative) or any party to the proceedings, to furnish additional evidence, information or explanation as may be thought to be appropriate.
- ii) A direction to the student (or his or her representative) shall state the period of time by which the student shall respond in writing following which the appeal may be dismissed by the Clerk of Senate.

Preliminary Disposal

- iii) The Clerk of Senate after consultation with two members of the Senate Fitness to Practise Appeals Committee may make a preliminary disposal in order to accelerate a decision. The Clerk of Senate may:
 - a) dismiss the appeal because the subject-matter of the appeal does not fall within the scope of §34.8.3 above;
 - b) dismiss the appeal because no competent grounds have been stated or because the appeal is frivolous or vexatious or because the appeal is out of time or because the student failed to comply with a direction made in terms of §34.8.6(i) and (ii) above;
 - c) dismiss the appeal because it does not establish a *prima facie* case that disposal at School level involved defective or unfair procedure, or a failure to take relevant evidence of medical or other adverse personal circumstances into account or was manifestly unreasonable;
 - d) dismiss the appeal because the new evidence submitted by the student could reasonably have been presented to the School Fitness to Practise Committee;

- e) refer the appeal to the School Fitness to Practise Committee with whatever guidance or direction it considers appropriate, which may include a direction that the appeal is heard again by a Committee which is not constituted by any member who was involved in the first decision;
 - f) refer the appeal to the Senate Fitness to Practise Appeals Committee for a full hearing.
- iv) The Clerk of Senate may also take such other interim action by way of direction as he or she deems appropriate
 - v) The Clerk to the Committee shall state in the letter to the student (or his or her representative) intimating the outcome of the preliminary disposal the reasons for the decision and shall provide the papers which were considered by the Committee.
 - vi) An appeal which has been dismissed under preliminary disposal may be reinstated if the student (or his or her representative) makes representation stating the reasons why the appeal should not have been dismissed. The representation and the reasons shall be made in writing within 10 working days of the date of the letter intimating the outcome of preliminary disposal

34.8.7 Arrangements for a Hearing before a Senate Fitness to Practise Appeals Committee

- i) Timing of the hearing - When a hearing is required, the Committee shall meet within 20 working days of receipt of the letter of appeal or as soon thereafter as is practicable.
- ii) Preparation of the papers
The Clerk of the Committee shall:
 - a) request a copy of the papers which were before the School Fitness to Practise Committee and a report of the hearing including information relating to the manner in which the decision appealed against was reached;
 - b) request any other reports or information relevant to the appeal;
 - c) request the Head of School to provide a written response to the statements made in the letter of appeal and to name any person or persons whom the Head of School wishes to appear to provide evidence;
 - d) provide the Committee and the student normally within 10 working days in advance of the hearing with a copy of all papers relevant to the appeal and the names of those persons who will be in attendance. The papers shall normally be sent to the student by Recorded Delivery or may at the student's request be collected in person;
 - e) notify the student no less than five working days prior to the hearing of the date, time and location of the hearing and the names of the members of the Committee who will consider the case.

34.8.8 Attendance at Hearing

- i) The student shall be required to attend the hearing in person. Where the student is prevented from attending by ill health, the hearing shall normally be deferred on submission of medical evidence. If the student does not attend on the date appointed and no notification of the absence has been received, if the Clerk of Senate is satisfied that the student has received due notice of the hearing, the Committee may proceed to deal with the case and to reach a decision in the student's absence.
- ii) The student shall have the right to be accompanied, assisted or represented at the hearing by one of the following: a parent or guardian; a fellow student or other friend; an Officer of the Students' Representative Council; a member of University staff, or any other person. The student shall inform the Clerk of the Committee at least five working days before the hearing of the name of any legal representative. Where the student seeks to have two individuals in attendance, one shall attend as an observer only.
- iii) The student may name any person or persons he/she wishes to be present to provide evidence on his/her behalf. The name of any person or persons called by the student to provide evidence shall be provided to the Clerk of the Committee no later than 10 working days before the date of the hearing. The student shall be responsible for arranging the attendance of such persons at the hearing with the exception of members of staff of the University who shall be notified of the date, time and location of the hearing by the Clerk to the Committee.
- iv) If any person or persons are unable or unwilling to attend the hearing, the Clerk of Senate shall be responsible for deciding if the hearing shall proceed on the date arranged or be deferred. A written statement may be presented by any person who has been invited to attend the hearing but who is not available at the date specified.
- v) The hearing shall be held in private. Strict confidentiality will be observed.

34.8.9 Expert Advice

- i) Where the Committee requires the advice of an expert to deal with a question of fact or special difficulty, such an expert shall provide a written report and where appropriate shall be invited to attend the hearing to provide evidence.

34.8.10 Procedure for the Conduct of a Hearing

- i) The Committee shall rely only on evidence presented at the hearing. Unauthorised electronic recordings of previous meetings or events will not be admissible as evidence at the hearing.
- ii) The hearing shall be conducted in the presence of all persons invited to attend to provide evidence.

34.8.14 Reports to Senate and Annual Review

- i) The Clerk to the Senate Fitness to Practise Appeals Committee shall report the outcome of a hearing to the Senate at the Senate's next regular meeting. The report shall not identify the student. It shall detail the nature of the appeal. In the report, the Committee may if it desires include any recommendations related to the matter which has given rise to the appeal.
- ii) The Senate Fitness to Practise Appeals Committee shall review its proceedings annually.
- iii) This shall conclude the internal processes of the University.

Independent External Review

- i) If the appellant is dissatisfied with the outcome of an appeal to the Senate Fitness to Practise Appeals Committee, he/she shall have the right to an external review⁵³, details of which shall be available from the Senate Office.

35 CODE OF PRACTICE ON UNACCEPTABLE BEHAVIOUR

35.1 Introduction

This Code sets out the University's approach to dealing with behaviour it deems unacceptable. All students and staff, their representatives, and members of the public with whom the University communicates, are covered by this Code, including those engaged with one or more of the University's other codes and procedures (e.g. Student Conduct, Complaints, Appeals or Fitness to Practise). Incidents of unacceptable behaviour are relatively infrequent, but where staff, students, or the work of the University are adversely affected, appropriate and relevant action will be taken.

35.2 Aims of the Code of Practice

35.2.1 To ensure the fair, honest and consistent treatment of all individuals with whom the University interacts, through any means of contact and communication.

35.2.2 To make the University community and members of the public aware of what constitutes unacceptable behaviour and the action that will be taken to manage this.

35.2.3 To ensure that University students and staff do not suffer as a result of the unacceptable behaviour of others and are not placed at risk.

35.3 Definition of Unacceptable Behaviour

35.3.1 It is understood that, in upsetting or distressing circumstances, and in certain forms or stages of ill health, people may act out of character and may become persistent, angry or upset. However, where it leads to aggressive behaviour or unreasonable demands, it is considered unacceptable. Similarly, behaviour which disrupts normal University activities, intentionally or not, is considered unacceptable. Members of the University community are entitled to be treated with respect and courtesy.

The University also has procedures for students and staff who consider that they are being harassed (see §35.7 below).

35.3.2 Aggressive/Abusive Behaviour

Any behaviour or language (spoken or written) which causes staff or students to feel unduly concerned, afraid, threatened or abused is not acceptable. Aggressive/abusive behaviour might include any of the following:

- demeaning, abusive, indecent or offensive language or comments (including those in writing)
- threatening behaviour or language, or actual threats
- written, verbal or physical harassment
- comments that discriminate on the basis of sex, sexual orientation, race and ethnicity, age, disability, religion and belief or other irrelevant distinction
- unsubstantiated allegations
- use of aggressive or inappropriate gestures

35.3.3 Unreasonable Demands and Undue Persistence

The University will always aim to provide assistance where required, and will not refuse reasonable requests. However, where unreasonable demands are made, this will be considered to be unacceptable behaviour. Examples of unreasonable demands could include:

- demanding responses within inappropriate timescales;
- expecting staff to discuss complaints or grievances in a public context (such as lectures or seminars);

⁵³ External review will be provided by the Scottish Public Services Ombudsman (www.spsso.org.uk).

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