



**ANGLIA RUSKIN UNIVERSITY**

**RULES, REGULATIONS AND PROCEDURES FOR STUDENTS**

**22nd Edition**

**Amended July 2021**

## **Introduction**

When you register as a student at Anglia Ruskin University, we will ask you to confirm that you agree to keep to our rules, regulations and procedures for students.

When we agree to accept you as a student, this is on the understanding that you accept these rules, regulations and procedures.

Any rule, regulation or procedure which refers to an individual student equally applies to groups of students and vice versa.

## **Students at Partner Institutions**

Our partner institutions will tell you which rules and regulations do and do not apply and what other local rules and regulations apply instead. Some of the rules and regulations will not apply to you if you are studying with our partner institutions. If you are studying with ARU London and ARU college these Rules and Regulations apply to you in full.

Complaints by students at one of our other partner institutions should be made to the partner using the partner's complaints procedure read in conjunction with ARU's partnership complaints procedure.

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## Definitions

In these rules, regulations and procedures for students the following expressions have the meanings shown below.

- 1 Anglia Ruskin University – Anglia Ruskin University Higher Education Corporation and any of our wholly owned subsidiary companies.
- 2 Suspended – restricting attendance at, or, access to, Anglia Ruskin University or not allowing someone to carry out the duties of any office or committee membership in Anglia Ruskin University or the Students' Union. We will confirm the exact details to the individual in writing.
- 3 Expelled – permanently excluding someone from Anglia Ruskin University and ending their status as a student or member of Anglia Ruskin University.
- 4 Intermit – temporarily leaving your studies in line with our rules.
- 5 Maladministration – where we have not correctly followed our own procedures, or we have discriminated unfairly.
- 6 We – Anglia Ruskin University Higher Education Corporation and any of our wholly owned subsidiary companies.
- 7 You - a student who is registered and studying on one of our modules and/or courses, this includes degree apprenticeships. Your membership of Anglia Ruskin University will, unless we end it earlier under these rules, end one month after the date of the meeting of the Senate's Awards Board which confers your final award (or other academic status). If you intermit your studies, in line with our rules, you will still be covered by these rules, regulations and procedures for students. However, you do not have to pay tuition fees.
- 8 Partner institutions – a list of ARU partner institutions can be found on our website: [Global partnerships - ARU](#)

## **Code of Conduct for Students**

### **Our Code of Conduct**

The purpose of our Code is to:

- prioritise the protection of our students and staff, whilst upholding dignity and respect for all when misconduct occurs.
- provide clarity about the behaviours which are not acceptable within our University community.
- foster a culture where everyone in our community feels safe, valued, and respected.

### **Our Corporate Values**

At Anglia Ruskin University, we are committed to making sure that everyone in our community is treated with dignity and respect. These principles are supported by our corporate values:

#### **Ambition**

We are determined to achieve our goals and continually strive to enhance our University for the benefit of all.

#### **Innovation**

We will apply our collective and individual creativity to conceive and develop new ideas, implementing them for the benefit of the communities we serve.

#### **Courage**

We are bold in taking the decisions we feel are right, even when it is difficult to do so.

#### **Community**

We greatly value working collaboratively, supporting each other and helping everyone to achieve their potential.

#### **Integrity**

We do what we say we will do and are fair and transparent in our decision-making and actions.

#### **Responsibility**

We take decisions and act in a way which respects environmental, societal and economic considerations, and which best supports those who study and work with us.

### **Our expectations of our students**

As a student you need to:

- a. respect and observe our rules and regulations, which we set out below;
- b. co-operate in the running of the University through our academic, administrative, sporting, social or other activities;
- c. help us to meet our legal obligations (including in respect of immigration law);
- d. act with honesty and integrity in undertaking your studies and assessments;
- e. respect the rights and privacy of others;

- f. respect the University's commitment to the freedom of speech;
- g. respect the property of the University and that of students, employees and visitors;
- h. behave in an orderly manner in your academic and recreational activities on and off campus, in University accommodation, and in your daily life;
- i. represent the University in a manner that best promotes its reputation;
- j. take shared responsibility for your guests when on University premises and when engaging in University activities;
- k. take appropriate action when you see others acting inappropriately, which may include bringing it to the attention of the University rather than intervening yourself;
- l. follow the relevant standards when undertaking professional training and undertaking organised sporting activities.

### **What we consider to be misconduct**

Misconduct is behaviour which interferes with how we work or action which otherwise damages our reputation.

Harassment, bullying, discrimination, hate crimes, physical violence, sexual harassment and violence, and victimisation are unacceptable. We will not tolerate unacceptable behaviour against a student, employee or visitor.

We provide examples of what we consider to be misconduct in the Annex. The Annex forms part of this Code.

### **The circumstances under which we might initiate disciplinary action**

We may take disciplinary action in connection with our facilities, services, or student activities. This may include misconduct that:

- interferes with our academic or administrative activities or legal obligations;
- takes place in or near our premises managed;
- affects our interests and reputation irrespective of where it takes place;
- happens during off-campus activities such as sporting events, work experience, placements and field trips;
- happens on social media and through any electronic means;
- takes place outside term time as well as during term time.

The behaviour may have affected:

- the University;
- one or more of our students or employees;
- others visiting, working, or studying at the University; or
- a member of the public.

## **Work experience and placements**

If you are removed, dismissed, or rejected from work experience or a placement because of your lack of competence, poor behaviour, attendance, or other legitimate concerns, we may initiate disciplinary or fitness to practise procedures.

### **Initiation of disciplinary action**

We may take disciplinary action against a student who acts contrary to this Code of Conduct. If we take disciplinary action, we will use the Student Disciplinary Procedures.

Only a designated ARU manager initiates disciplinary action. The Designated Manager may be in a Faculty or central service. The procedure includes residential services and sporting activities.

All members of the Anglia Ruskin community are responsible for behaving appropriately and respectfully towards others. A student may complain about another student's behaviour. We will consider the complaint and decide on what action to take using our Student Disciplinary Procedures which can be found on page 24

### **How a student can make a complaint about the behaviour of another student**

Our disciplinary procedures are intended to address misconduct by students rather than to resolve disputes between individuals. If you have concerns about the behaviour of another student, you may wish to seek advice before making a complaint. You can get advice from:

Anglia Ruskin Students' Union [www.angliastudent.com/advice](http://www.angliastudent.com/advice)

The Students' Union Advice Team can advise you on the options available to you to address the concerns you have and support or represent you if you choose to make a formal complaint; and

Anglia Ruskin University Harassment Support Network [Harassment support network - ARU](#). The Harassment Support Network consists of trained ARU staff who can offer you support and information if you have experienced bullying, discrimination, harassment, hate crime or sexual violence. It includes staff who are trained Sexual Violence Liaison Officers (SVLOs).

If you need to make a formal complaint about the behaviour of another student, you can do so by writing to the Office of the Secretary and Clerk at [complaints@aru.ac.uk](mailto:complaints@aru.ac.uk). We will follow our student disciplinary procedures.

If you make a complaint about the behaviour of another student, you are a witness during our student disciplinary procedure. You are not able to appeal or ask for a review of the outcome of another student's disciplinary procedure.

### **How a student can make a complaint about the behaviour of a member of staff**

If you have concerns about the behaviour of a member of staff, you may wish to seek advice before making a complaint. You can get advice from the Students' Union Advice Team and from the Anglia Ruskin University Harassment Support Network, please see links above.

If you need to make a formal complaint about the behaviour of a member of staff, you can do so by writing to the Office of the Secretary and Clerk at [complaints@aru.ac.uk](mailto:complaints@aru.ac.uk)

We will conduct any investigation about a member of staff under the Staff Disciplinary Policy and Procedure, which is overseen by HR Services.

## Core principles when dealing with misconduct

There can be serious consequences for misconduct. We intend our Student Disciplinary Procedures to enable us to undertake a fair and proportionate investigation. We will reach a conclusion based on the evidence we are able to collect.

These are our core principles in dealing with misconduct:

1. We will listen to, acknowledge, and address all reports of behaviour promptly and sensitively.
2. We will fully and fairly investigate reports, engaging with reporting parties and respondents through a clearly staged process.
3. We will take steps to protect both staff and students from victimisation or retaliation during any investigation.
4. Students who report incidents of misconduct, or are subject to an investigation, will have access to appropriate support.
5. We cannot guarantee your anonymity in making a complaint or as a witness, but we will only identify you where it is a necessary consequence of investigating the matter.
6. For a student to be found to have engaged in misconduct, the University needs satisfaction on the meeting of the civil standard of proof, the balance of probabilities. Where the sanction is more severe, the greater weight is required in terms of the balance of the probability. Responsibility for proving misconduct on the balance of probabilities rests with the University.
7. We will communicate our commitment to this Code of Conduct to students and staff through training, induction, and key documentation.

## Drugs and Alcohol

We are committed to harm reduction and take an educational approach to drug and alcohol use. We understand that some students use substances. We also understand that a zero-tolerance attitude can discourage students from seeking support through fear of punishment.

Use of alcohol and other drugs can have a detrimental impact on students' physical and mental health, academic studies, and relationships. We are committed to providing the best information, advice and support to students affected by substance use and ensuring that our staff access training and know where to signpost students for effective support.

A harm reduction approach does not imply acceptance of anti-social or criminal behaviour, and we remain committed to maintaining a safe environment for all of our students. Any misconduct of this kind will be addressed robustly through our Student Disciplinary Procedures.

Substance use is not considered the same as being involved in the supply of illegal drugs.

## Referral to the Police

We may refer a matter to the police for investigation.

If the potential criminal offence is against the University, we decide whether to report the incident to the police. We do this based on the facts of the case.

If the victim is an individual, we usually allow the victim to decide whether to make a report to the police. If the victim is a member of the University community who wishes to make a report, we will support them in the process. If the person decides against reporting to the police we normally respect that decision.

In exceptional circumstances, we may report an alleged crime to the police contrary to the wishes of the victim. The circumstance in which we make a report need justifying. We may make a report to protect the victim (or others) from harm or to prevent a further crime taking place.

The University Secretary, or designated delegate, takes all decisions on referrals to the police.

If there is a referral to the police, we may suspend our procedures. We would do so until the police conclude their enquiries. We will follow our Student Disciplinary Procedures in suspending our procedures.



Where we are approached by the Police or any other body with appropriate powers investigating alleged offences by students, we will assist their investigations provided that their request complies with the law. We are not obliged to inform you or seek your consent for this.

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## Annex to the Code of Conduct for Students

### What we consider to be misconduct

In this annex, we provide examples of misconduct that may be subject to disciplinary action.

#### (1) Disruption of the work of the University

Our University is large and complex. We need to organise our work for the benefit of all our students, staff, and visitors. We may need to initiate disciplinary action against a student because of misconduct that prevents this from happening. These are examples where we might have to act against you:

- a** If you disrupt, or interfere with, our academic, administrative, sporting, social or other activities, whether on university premises or elsewhere.
- b** If you obstruct, or interfere with, the work, duties or activities of other students, members of staff or visitors to Anglia Ruskin University.
- c** If you act fraudulently, deceptively, or dishonestly towards us as a university, our staff, or other students. This includes taking property without proper authorisation.
- d** If you break our code of practice on the freedom of speech or any of our rules or regulations.
- e** If you are dishonest in any way in academic assessments and examinations.
- f** If you deliberately or recklessly damage our property or the property of other students, members of staff or visitors.
- g** If you misuse our premises or items of property, including computers.
- h** If you do anything which adversely affects our reputation.
- i** If you fail to give your name and other relevant details to us if it is reasonable for us to ask for that information.
- j** Breaching the privacy rights of students, staff, research participants or others through use of personal data without consent, and/or contrary to Anglia Ruskin University's reasonable instruction through policy, procedure, terms of use and formal request; including perpetuating and/or failing to support reasonable request to mitigate personal data breaches
- k** If you fail to keep to a previously imposed penalty under the Student Disciplinary Procedure.

#### (2) Allegations of criminal behaviour

We may initiate the disciplinary procedures if there are allegations of criminal behaviour that:

- (i) takes place on our premises, or at an event we control; and/or
- (ii) affects or concerns other members of our community; and/or
- (iii) adversely affects our reputation; and/or
- (iv) is treated as misconduct under the terms of this Code; and/or
- (v) is one of dishonesty, if you hold a responsible position in Anglia Ruskin University.

### **(3) Inappropriate, abusive, threatening or offensive language**

We will not tolerate unacceptable behaviour against a student, employee or visitor. This includes the use of inappropriate, abusive, threatening or offensive language.

This can take the form of verbal or written communication and could be in person, through social media, telephone, email and written communication as well as other means.

### **(4) Acts of bullying**

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power, position or knowledge. Bullying is intentional and can make a person feel humiliated, threatened, undermined and vulnerable. Victims may not always recognise what is happening and so may feel trapped, isolated or powerless.

Bullying tends to happen persistently, often without witnesses, over time. It can involve one individual against another or involve groups of people. Bullying can take the form of physical, verbal, and non-verbal conduct and so can include social media communications, telephone communications, filming or taking pictures of people and/or using these without their knowledge or consent.

This is not an exhaustive list, but examples of bullying may include:

- being shouted at, being sarcastic towards, ridiculing or demeaning others;
- deliberately excluding or ignoring an individual;
- physical or psychological threats;
- unfair or excessive supervision or monitoring;
- unfair blaming for mistakes or unwarranted fault finding;
- singling out or treating an individual unfairly.

It is important to make the distinction between bullying and firm management. Bullying is unfair and can undermine a person's best efforts to perform well. Legitimate, reasonable, and constructive criticism of performance or behaviour, or reasonable instructions given to staff during their employment will not amount to bullying on their own.

### **(5) Acts of discrimination**

Discrimination is contrary to the Equality Act 2010 and takes place when an individual or a group of people is treated less favourably than others based on one of the nine protected characteristics:

- age
- disability
- gender
- gender reassignment
- marriage and civil partnership (employees only)
- pregnancy and maternity (we will also consider the same for paternity leave, parental leave or shared parental leave)
- race
- religion or belief (including lack of belief)
- sexual orientation

Discrimination can be direct or indirect.

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have, or because they associate with someone who has a protected characteristic.

Indirect discrimination can happen when there is a condition, rule, policy or practice that applies to everyone but particularly disadvantages people who share a protected characteristic. However, it isn't classed as indirect discrimination if it can be shown that the condition, rule, policy or practice is reasonable.

## **(6) Acts of harassment**

Harassment is unwanted behaviour which violates a person's dignity, or creates an intimidating, hostile, degrading, humiliating or offensive environment. Harassment is against the law when the unwanted behaviour occurs because of, or connected to, one or more of the following protected characteristics:

- age
- disability
- gender
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief (including lack of belief)
- sexual orientation

Harassment is often persistent, although a single incident may be serious enough to constitute it. Harassment can be deliberate or unintentional, however the effect on the victim is the main factor to be considered in claims of harassment, not the intention behind it.

Harassment can take the form of physical, verbal and non-verbal conduct and so can include social media communications, telephone communications, filming or taking pictures of people and/or using these without their knowledge or consent.

This is not an exhaustive list, but examples of harassment may include:

- unwanted physical conduct or 'horseplay' including touching pinching, pushing, grabbing, brushing past someone, invading their personal space and more serious forms of physical or sexual assault;
- offensive or intimidating comments or gestures, or insensitive jokes or pranks;
- mocking, mimicking, or belittling a person's disability;
- racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about an ethnic or religious group or gender;
- outing or threatening to out someone as gay, lesbian, bisexual or trans;
- ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a social activity.

## **(7) Hate crime**

'Hate incidents' and 'hate crimes' are terms used to describe acts of violence or hostility directed at people, which appear to the victim or anyone else to be, because of who they are or who someone thinks they are. They are motivated by hostility or prejudice based on one or more of the following:

- disability
- race
- religion
- sexual orientation
- transgender identity.

Hate incidents can be against a person or against property and includes materials posted online.

This is not an exhaustive list, but some examples of hate incidents may include:

- abusive phone calls

- bullying
- graffiti
- harassment
- intimidation
- abuse through the means of any form of electronic media
- threats of violence
- verbal abuse

When hate incidents become criminal offences they are known as hate crimes. A criminal offence is something that breaks the law. This is not an exhaustive list, but some examples of hate crimes may include:

- assault;
- burglary;
- criminal damage;
- fraud;
- harassment;
- hate mail;
- murder;
- sexual assault;
- theft.

#### **(8) Physical misconduct**

Physical misconduct is unwanted physical contact which has the purpose of violating a person's dignity or causing them distress or harm, whether or not there is personal injury.

This is not an exhaustive list, but examples of physical misconduct may include:

- punching;
- kicking;
- slapping;
- pulling hair;
- biting;
- pushing;
- shoving.

#### **(9) Sexual misconduct**

The University's Sexual misconduct policy, which includes the University's definition of sexual misconduct can be found on page 25 of this document.

#### **(10) Acts of victimisation**

Victimisation is when a person is punished or treated unfairly because they have made a complaint; they are believed to have made a complaint; they have supported someone who has made a complaint; or it is suspected that they might make a complaint.

## **Rules and regulations for students**

### **A. Disruption to the provision of services**

1. We will take all reasonable steps to provide the teaching, assessment and other educational services set out in our prospectus and handbooks. If we are unable to do so, we will activate our Student Protection Plan.
2. If industrial action or some other cause beyond our control affects our ability to provide educational services, we will take reasonable steps to reduce any disruption to the affected services.

### **B. Attending university**

3. Attending university is of benefit to you in engaging with your studies and your attainment outcomes. You must attend your timetabled teaching sessions as they appear on e-vision regularly and on time. We monitor attendance at teaching sessions. If your attendance is unsatisfactory, we will take appropriate action. This is because students who attend regularly are in a much better position to succeed in their studies.
4. You must inform us promptly of changes to your enrolment information, such as your name, home address, term-time address, personal e-mail, and sponsor. This is so that we can keep in touch with you or your sponsor
5. If you wish to take leave of absence or withdraw (temporarily or permanently) from Anglia Ruskin University, you must apply in advance. The University considers each case on its merits but reserves the right to refuse a request because we would not be able to continue to support you in your studies.
6. If you appeal, we will consider you to be a student until the appeal is over. As a result, you are legally responsible for paying fees during the appeal period. If the outcome of the appeal leads to your period of study at the University ending, we will refund any fees paid for the appeal period.

### **C. Making use of our facilities**

7. We aim to provide a conducive environment for teaching and learning. This includes setting rules to benefit all those who make use of our facilities,

### **D. Restrictions on the consumption of refreshments**

8. We only allow eating and drinking in those areas of our buildings set aside for these purposes.
9. You cannot eat and drink in areas used for teaching and laboratories.
10. Separate rules apply to libraries as set out in the University Library rules.

### **E. Smoking**

11. You may only smoke in designated smoking areas.
12. No smoking is permitted inside any building or substantially enclosed space.

### **F. Taking care of our equipment and premises**

13. You need to respect our premises and property, including equipment that we lend you. If you damage our property, you must, when required, pay the full cost of the repair or replacement.

## **G. Student identity card**

14. When you register as a student, we will give you a student identity card.
15. You need to carry this card at all times on our premises.
16. You need to produce it if any member of our staff or other authorised representatives ask to see it. This helps us keep our premises safe.
17. You must not use another person's ID Card to access premises or register attendance on their behalf or ask another person to do so on your behalf.
18. You must not tap your student ID card in your lecture and leave before the end of class without notifying faculty.

## **H. Keeping or driving a car in Cambridge**

19. No full-time student (except approved disabled students, students whose permanent family home is within the City of Cambridge or students that need a vehicle for placement reasons) will be allowed to keep or drive a motor vehicle, other than a moped or motorcycle, in the City of Cambridge.
20. The Office of the Director of Student Services will issue you a permit if you may keep or drive a motor vehicle, in line with the above paragraph. These permits will only be allowed for a certain period to reduce the possibility of non-authorised copying or use. You need to apply for a permit and prove you are entitled to a permit in line with the above paragraph.

## **I. Parking cars and driving on campus**

21. You cannot park a car, cycle, e-scooter or motorcycle depending on the campus concerned, anywhere other than in designated areas. You must also keep to on-campus speed restrictions.
22. Student parking at the Cambridge or Chelmsford campus is restricted to cycles, motorcycles and drivers with an accessibility ("blue") badge.
23. If you are a disabled student or have a temporary impairment you can apply to Student Services for a temporary parking permit to access Accessibility bays at our Chelmsford campus. These permits will only be allowed for a certain time period to reduce the possibility of non-authorised copying or use. You will need to apply for a permit and provide medical evidence confirming your disability.
24. Residential Services, security and other members of our staff will carry out spot checks to make sure that nobody is breaking parking control regulations on the campus concerned
25. Privately owned e-scooters are illegal to use other than on private land which must not be accessible to the public. The use of privately owned e-scooters is prohibited on all ARU campuses.
26. We will investigate all claims of the regulations being broken and, where appropriate, take necessary disciplinary action under the Student Disciplinary Procedure

## **J . Health and safety**

27. Anglia Ruskin University is committed to meeting its statutory health and safety and fire safety responsibilities and creating a culture that is proactive in supporting the health and safety of its community. Our health and safety regulations are available here
28. Students have health and safety responsibilities. Students are responsible for:
  - Looking after their own health and safety and the safety of others who may be affected by their actions whilst on the University's campuses or undertaking activities (e.g. fieldwork, work/study placements) under the supervision of the University

- Following the University's and their faculty's health and safety standards and requirements (including those relating to University residencies). Also for following any instructions given to them by an employee of the University for their health and safety
- Reporting academic or University premises related health and safety incidents or concerns (including accidents, ill-health, premises hazards) in accordance with the University's procedures
- Taking part in any health and safety training identified as necessary by the University, their faculty or their academic supervisor dependent on their course
- Not intentionally interfering with or misusing anything provided for fire or health and safety protection.

## **K. Use of Personal Data**

29. We will make available a Privacy Policy which explains the various uses we make of your personal data whilst you are a student and as an alumnus. We will take steps to communicate major changes where they have a significant impact on your Privacy rights, but it is your responsibility to periodically make yourself aware of any updates.
30. We will not by default share any personal information such as your wellbeing, lecture attendance or academic progress with your parents, other family or friends if they request this from us. We may offer means of doing so with your consent. We may share information we hold about your health and wellbeing with emergency and support services if we consider that you are at risk of serious harm or are not capable of making informed consent decisions.
31. We will use your student email account as the primary means of contacting you, but may use personal contact details we hold about you in limited circumstances (including but not limited to; 'cause for concern' cases, public health events and other communications which are important to your learning and/ or health and safety where we have determined that use of personal contact details will likely be more successful in reaching you).
32. We share data on your attendance and academic progress with UK Student Loans companies on request and with any sponsor to the extent they can evidence an entitlement to your personal data.
33. Where your course involves a placement, we share your personal data with the provider, and any third party who oversees placement quality and assessments.
34. When your studies with us have concluded we automatically include you as a member of our Alumni network and use your personal contact details to contact you. You may opt out of this or refine your contact preferences at any time. We are required to share your details to support the Graduate Outcomes Survey
35. On registration we share your personal data with the Anglia Ruskin Student's Union to facilitate your membership and access to their support services. It is your responsibility to opt-out if you do not want to be a member.
36. Content on personal social media groups or messaging facilities which are instigated by Anglia Ruskin University or are established for a University purpose (e.g. study support) are admissible in disciplinary procedures where disclosed to the process by participants.

## **L. Awards, certificates and diplomas**

37. We will issue all certification of awards and credits in your registered name at the conclusion of your course
38. We will only replace a lost certificate on payment of a fee (as detailed on the Academic Registry's webpages). We will replace a damaged certificate free of charge if you return it to the Academic Registry.
39. We will only issue a replacement certificate which involves a change of name in exceptional circumstances. However, you must provide evidence, return the original certificate or diploma and pay a



fee (as detailed on the Academic Registry's webpages). Where the change of name follows gender reassignment there is no charge.

#### **M. Attending graduation ceremonies**

40. Awards are celebrated at a graduation ceremony. You need to apply to attend a graduation ceremony in line with arrangements set out and publicised by the Academic Registry.
41. You may not attend a graduation ceremony until you have paid all tuition fees you owe us.
42. You do not have to attend a graduation ceremony. If you do not attend, it will not affect your receipt of your award.

#### **N. Students' Union sabbatical officers**

43. We will treat an individual appointed to any office which the Board of Governors approves formally as having Students' Union sabbatical status, as a student of the university.
44. We will register graduates of Anglia Ruskin University as full-time students for the academic year following the academic year in which they graduate if they are elected to one of the offices which the Board of Governors approves formally as having Students' Union sabbatical status. This applies for the following academic year, if re-elected to one of these offices.
45. A student who holds a Students' Union sabbatical office will, during the terms of office, not have to attend Anglia Ruskin University or make satisfactory progress. However, each student must pay a tuition fee of £1.

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## **University tuition fees**

### **A. General**

1. A sponsored student is someone whose employer, government agency, embassy or similar organisation agrees with the student to pay the tuition fee on the student's behalf.
2. A student may have the fees paid by the Student Loans Company.
3. A self-paying student pays the tuition fee directly to the University.
4. A further tuition fee may be payable for retake or replacement modules.
5. This policy will not apply to a student registered on a degree apprenticeship

### **B. Responsibility for payment of tuition fees**

6. As a student, you are responsible for the payment of your tuition fees. If a sponsor, or the Student Loans Company, does not pay the tuition fees, you are responsible for payment.
7. If you return for another year of your study, you must complete a registration process before you begin your studies again, including the payment of fees. If you do not register in this way, we may not count any assessment results you receive in a period for which you have not been registered at an Awards Board.

### **C. Sponsored students**

8. If you are sponsored, you must produce, within 10 working days of registering, the full name and address of your sponsor who will be responsible for paying your tuition fees.
9. We must receive your tuition fees within 30 days of the date on our invoice. If your sponsor does not pay, or if we don't receive details of your sponsor, you will have to pay any tuition fees due. You will then become a self-paying student – see E below.
10. If you change your sponsor, you must give us the full name and address of your sponsor who will be responsible for paying your tuition fees. If you do not, you will become responsible for paying any fees due as a self-paying student – see E below.

### **D. Payment of fees by the Student Loans Company**

11. If you have applied for tuition fee loans or grants through the Student Loans Company, you must produce a financial notice, supplied by Student Finance England, as close to the registration process as possible.
12. If you are already a student, you must renew your application with Student Finance England for each year of study and produce the financial notice supplied by Student Finance England.
13. There is a different process if you are a student from Scotland, Wales, or Northern Ireland, or if you live in the Channel Islands or Isle of Man.

### **E. Self-paying students**

14. If you are not eligible for UK Government support or for sponsorship, you must pay the full tuition fees when you register, or before you register, unless we agree in advance to let you pay by instalments.
15. We can arrange for you to pay by instalments if you want to. You must do so in advance of your registration. This is the only situation where instalments will apply.
16. If we agree for you to pay in instalments, the number of instalments will depend on your course.

17. If your student status is 'international' you must pay 60% of your fee when you register or before you register. You must then pay the balance (using a credit or debit card) via our web-payment facility by the date agreed upon (re)registration.
18. You cannot pay by instalments for courses of less than six months.

#### **F. What happens if you fail to pay your tuition fees**

19. You must pay your tuition fees promptly.
20. If you fail to make a payment on the due date
  - a. we reserve the right to charge you interest at the rate of 2% above the Bank of England Base Rate
  - b. we reserve the right to initiate proceedings to suspend and then expel you from this university
  - c. we may begin legal proceedings to recover any amounts you owe, including costs to recover the debt.
21. If we plan to suspend a student for not paying fees, the Secretary and Clerk, or an officer of Anglia Ruskin University authorised by the Secretary and Clerk, will issue a notice. The notice will give a deadline for payment. If you contact us before the deadline, the Secretary and Clerk, or any officer of Anglia Ruskin University authorised by the Secretary and Clerk will interview you and:
  - a. accept payment in full
  - b. agree a proposal for payment after the deadline; or
  - c. decide to suspend you
22. If you do not ask for an interview or pay what you owe in full, the Secretary and Clerk may decide to exclude you.
23. If you are suspended and do not make the payment by the deadline in the notice, we may expel you. If you ask us before that deadline, the Secretary Clerk, or an officer of Anglia Ruskin University authorised by the Secretary and Clerk, will interview you, and:
  - a. accept payment in full;
  - b. agree a proposal for payment after the deadline; or
  - c. decide to expel you.
24. If you owe us any money for tuition fees, we will not allow you, other than in exceptional circumstances, to return to the next year of study until you pay us all amounts you owe.

#### **G. Refunding tuition fees**

25. In accordance with the Money Laundering Regulations 2007, as amended, refunds are made to the original payer and follow the method by which the University received the money. If the original payment was made using a credit card which has subsequently expired, bank details will be required for the individual or sponsor who made the original payment so that a refund can be made to a bank account in their name.
26. We will only refund your tuition fees for the following reasons
  - a. if we cancel your course, and you have already made payment
  - b. if you withdraw during the first three weeks of a course. We must receive a properly authorised and dated withdrawal or intermitting notice form (forms R1a and R1b).
  - c. if the University agrees a refund following the upholding of a complaint investigated under our Student Complaints Procedure or following a recommendation from the Office of the Independent Adjudicator
27. If you leave during or at the end of your first semester, we will refund only the second semester. If you leave during your second semester, you will not get a refund.

28. If you are funded by Student Finance England and you withdraw from your studies, information about your tuition fee liability can be found here:- <https://web.anglia.ac.uk/finance/studentfinance.phtml>
29. For advice regarding this and withdrawals generally, if you are a home / EU student, please contact the Student Money Advice Team at [moneyadvice@aru.ac.uk](mailto:moneyadvice@aru.ac.uk). If you are an international student thinking of withdrawing, please contact International Advice Team at [internationaladvice@aru.ac.uk](mailto:internationaladvice@aru.ac.uk).

#### **H. Deposit payments**

30. If you have paid a deposit payment this is taken into account when calculating the amount left to pay for tuition fees. The deposit will be deducted from the overall tuition fee liability (for the first year of study, if the course is more than one academic year).
31. Requests for refunds of deposit payments will be administered in accordance with Section G. Refunding Tuition Fees. A refund of a deposit where applicable may not be given in the event of a refusal of a visa application should the University not be at fault, including if the refund arises from you giving false or incomplete information to the UK Visas and Immigration (UKVI) or UK Home Office.

Approved July 2021

## University library rules

### Introduction

Our rules are designed to ensure that all our students and staff benefit fairly from the resources and facilities of the university library.

#### 1. Membership and ID cards

- a. Current staff and students are automatically members of the University Library. You must have your ID card with you in order to access library spaces and borrow materials.
- b. External users (those who are not current students or staff) will be provided with an ID card which will be required to access and use our services. You must let us know of changes to any of your contact details while you remain a member. Details of who can apply for membership are available on the library website.
- c. You are responsible for all activity on your ID card and must not lend it to others. If you lose your card, you should let us know immediately.
- d. You must show your ID card to any member of library or security staff if requested.

#### 2. Borrowing

- a. You must return any borrowed items on or before the date and time due, or earlier if we tell you that an item is needed by someone else.
- b. In some instances, we may charge for late return. We will also charge replacement costs for items lost or damaged. You will not be able to borrow items while you have outstanding charges on your account. Full details of loan allowances and charges can be found on the library website.

#### 3. Copyright and licensing

- a. When you print, photocopy or scan an item, you must keep to the terms of current copyright law.
- b. Information resources, software applications and recordings will be governed by licence agreements and copyright restrictions. When you use these resources, you must make sure that you keep to any advisory notices provided. We may restrict access to electronic or digital services for certain categories of membership due to licence agreements.

#### 4. Using library spaces

- a. The library is provided as a safe space to study. If you behave in ways that disturb other library users or disrupt their access to services, we will ask you to leave the library.
- b. You must keep to the rules for designated study zones. Food and drink are only permitted in clearly signed areas. Mobile phones should be kept on silent and you must only make calls in clearly signed areas.
- c. Smoking, alcohol and drugs are not permitted.
- d. You should take belongings with you whenever you leave the library. We are not responsible for any personal property you leave in the library.
- e. Animals are not allowed in library spaces, except assistance dogs.
- f. You cannot sleep in the library, for wellbeing and security reasons.

#### 5. Closing the library

If an emergency means we need to close the library, you must leave immediately when asked to do so. While we recommend that you take coats and other personal belongings, this must not delay you from leaving the library premises. You will not be allowed back on to the premises until we confirm that the emergency is over.

Approved July 2021

## Use of Information-Technology resources, systems and services

This is a summary of the governance and expected behaviour relating to the acceptable use of our Information Technology resources, systems and services, which we will refer to collectively as IT facilities. The terms of this document apply to all computer hardware and software, whether our property or not, in use on our premises or premises that we control and any ARU provisioned software wherever used.

You are expected to be familiar with all the core principles of acceptable use, as outlined in our Regulations for the Use of Our IT Resources, Systems and Services available here:

[https://web.anglia.ac.uk/it/policy/it\\_acceptable\\_use\\_2016.pdf](https://web.anglia.ac.uk/it/policy/it_acceptable_use_2016.pdf).

They will help you make best use of a valuable resource while also respecting your rights.

### 1. Behaviour

- a. Do not waste resources or interfere with others' legitimate use of our IT facilities;
- b. Do not behave towards others in a manner that would be unacceptable in the physical world;
- c. Do not assume that because an action is possible that it is, by implication, either acceptable or permitted;

### 2. Governance

- a. Abide by all policies, regulations and agreements relating to our IT facilities;
- b. Follow all guidance relating to our IT facilities;
- c. Observe the policies, regulations, agreements and guidance of any third party whose facilities or resources you access, unless they directly contradict our own;
- d. Do not break local or international law;

### 3. Identity

- a. Do not allow anyone else to use your identity or credentials, including usernames and passwords, under any circumstances;
- b. Do not disguise your online identity;
- c. Do not attempt to obtain or use the credentials or identity details belonging to anyone else;

### 4. Information

- a. Take precautions to safeguard your personal data at all times;
- b. Respect other people's information;
- c. Do not abuse copyright material;
- d. Remember that mobile devices are not always the most appropriate or secure way to handle, manage or store personal information;
- e. Treat all information that becomes available to you through our IT facilities as privileged. Do not copy, modify or transfer it without the permission of the owner or appropriate organisation;

### 5. Infrastructure

- a. Ensure that the software installed on your own equipment, including laptops, tablets and other mobile devices, is up to date and that you are adequately protected from viruses and other malware;
- b. Do not put our IT facilities at risk by loading unauthorised software or introducing malware to our systems;
- c. Do not interfere with the hardware that comprises our IT facilities;
- d. Only connect equipment to our IT facilities in line with our policies, regulations, guidance and advice;
- e. Do not attempt to monitor the use of our IT facilities by others or capture any data that is transmitted on our networks with explicit permission to do so;

If you damage any aspect of our IT facilities, including data, we reserve the right to charge you for the full cost of repair or replacement including labour and related costs;

We reserve the right to monitor and record your use of our IT facilities to protect our interests and for the purposes of:

- Effective and efficient planning and operation of our services;
- Detection and prevention of any unacceptable use;
- Investigation of alleged misconduct;

By becoming and continuing to be a student at Anglia Ruskin University you give us implicit permission to do so. For this reason, you may prefer not to use our IT facilities for personal communications.

We will comply with all lawful requests for information from local, national and international governments and law enforcement agencies.

We may suspend your access for up to seven working days, while investigating any suspected misuse of our IT facilities. We may also invoke student disciplinary procedures if you are found to have contravened any of the policies, regulations or agreements that relate to their use.

Approved July 2021

## Sexual Misconduct Policy

ARU is committed to providing a safe environment in which all members of our community are treated with dignity and respect. We will pro-actively work to maintain and promote a culture in which sexual misconduct is not tolerated and is actively responded to and challenged. We will provide specialised support to students who have experienced any form of sexual misconduct. This will include a confidential environment where individuals are empowered to disclose, are believed, listened to, and understand the options available to them.

### The Policy

This policy exists because ARU recognises the unique, complex and traumatizing impact of sexual misconduct, as distinct from other forms of misconduct which students might experience, and the need for clarity in explaining the principles underpinning the University's response to sexual misconduct.

This policy is accompanied by Sexual Misconduct Guidance for Students, which provides guidance to students who disclose incidents of sexual misconduct and aims to help them to choose their preferred next steps.

### 1. Scope

1.1. This policy covers all ARU students including, but not limited to, students with visiting student status, distance learners and those undertaking apprenticeships.

1.2. It applies to sexual misconduct which occurs when the reported party is a registered student and meets any of the following criteria:

- i occurs on university property and/or land.
- ii occurs away from University property.
- iii occurs whilst a student is engaged in any University or The Students' Union related activity including placements and trip.
- iv occurs via electronic means including, but not limited to, internet, email, social media sites, chat rooms, text messages and instant messaging.
- v results in a legal or police investigation, charge, or conviction of an offence
- vi raises questions about the professional suitability of students registered on either a programme governed by professional regulations, or a programme with a placement element.
- vii poses a risk to the University or members of its community and/or reputational damage.

### 2. Definitions

ARU adopts the Office for Students definition of sexual misconduct as unwanted conduct of a sexual nature. This includes, but is not limited to:

Harassment (as defined by Section 26 (2) of the Equality Act 2010)

2.1 Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010)

2.2 Assault (as defined by the Sexual Offences Act 2003)

- i. Rape (as defined by the Sexual Offences Act 2003)
- ii. Physical unwanted sexual advances (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)
- iii. Intimidation, or promising resources or benefits in return for sexual favours (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)
- iv. Distributing private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015).

2.3 Consent is central principle to any conversations around sexual misconduct. In this context we define consent as the agreement to participate in a sexual act where the individual has both the freedom and capacity to make that decision. Consent cannot be assumed on the basis of a previous sexual experience



or previously given consent, and consent may be withdrawn at any time. Further aspects of consent are defined in Appendix 1.

2.4 If you are not sure if what you have experienced meets the definitions in this policy, please contact the counselling and wellbeing service or the Independent Sexual Violence Advisor (ISVA) and they will be able to support you to access the most appropriate support for your needs. Anyone who has experiences any kind of sexual violence will be supported.

### **3. Principles**

3.1 In our work to prevent, support victims and respond to sexual misconduct we will seek to act with integrity and responsibility and uphold all of ARU's vision and values. All members of staff are responsible for maintaining our values and the specific principles below when addressing sexual misconduct:

- i. We will work to adopt a trauma-informed, victim focussed approach to sexual misconduct which maintains a supportive environment where students feel safe, can continue to study, and are treated with dignity, courtesy, and respect.
- ii. We will actively respond to all reports of sexual misconduct and ensure that they are addressed through a process that is transparent and fair to the individuals involved.
- iii. We will work to sustain a safe environment by providing regular and consistent education and training for all staff and students to raise awareness of sexual misconduct.

### **4. Support**

4.1 We will support any student in our community who is subject to any form of sexual misconduct.

4.2 We will ensure that the reporting party is listened to and responded to in a safe, supportive, trusting environment, in which their safety and wellbeing is prioritised.

4.3 We will ensure the dignity of all those involved in reporting sexual misconduct.

4.4 We will make internal support available to anyone affected by sexual misconduct.

4.5 We will collaborate with external agencies (e.g. Rape Crisis) to provide the best possible support to students affected by sexual misconduct.

### **5. Disclosure and Reporting**

5.1 We will provide clear information to help students to disclose sexual misconduct to the university.

5.2 We will provide support to students to help them choose how to take forward a disclosure, including the decision not to make a formal complaint.

5.3 We will respond to all reports through a process that is transparent and clearly communicated to the individuals involved.

5.4 Further details of how different reporting processes work is outlined in the Sexual Misconduct Guidance for Students.

### **6. Responding**

6.1 We will actively respond to all reports of sexual misconduct and, provide information to support reporting parties make informed choices about next steps available to them. This includes, but is not limited to, reporting to the police, and reporting to the University via the Student Complaints process,

6.2 Where sexual misconduct is reported to the University, we will support students to explore whether they wish to make a report to the police. If a student does not want to report the matter to the police, we will respect this decision.

- 6.3 All staff involved in responding to a report of sexual misconduct will act with impartiality and discretion at all times.
- 6.4 The University understands the difficulties in formally reporting incidents of sexual misconduct and there is no time limit in place for reporting sexual misconduct. However, formal investigations can only be undertaken through the student disciplinary process whilst the reported party is a registered student.
- 6.5 The University understands the need to use specially trained staff when carrying out investigations under the student disciplinary procedures. The University may use specially trained external investigators.

## **7. Confidentiality**

- 7.1 In recognition of the sensitive nature of sexual misconduct, privacy will be maintained, wherever possible throughout the disclosure, reporting and investigative processes
- 7.2 The University will only share information internally or externally with the reporting party's express permission or in exceptional circumstances to safeguard members of the University community and fulfil the University's duty of care.
- 7.3 The University will retain anonymised data to understand patterns of behaviour and to inform future support services, policy, and operating procedures.

## **8. Resources**

This policy should be read in conjunction with:

- The Sexual Misconduct Guidance for Students
- The Code of Conduct for Students
- The Student Disciplinary Procedure
- Fitness to Practise Procedures
- Student Complaints Procedure
- The University Safeguarding Policy
- The Staff code of conduct
- The staff Disciplinary Procedures
- General Data Protection Regulation (GDPR) and Data Protection Act 2018.

1. **Appendix 1- Terminology**

<b>Term</b>	<b>Definition</b>
Consent	<p>Freedom to consent for consent to be present, the individual has to freely and consciously engage in a sexual act. Consent is not present when submission by an unwilling participant results from the exploitation of power, or coercion or force or lacks mental capacity to consent regardless of whether there is verbal or physical resistance.</p> <p>Coercion or force includes an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten, that place an individual in fear of immediate or future harm, with the result that the individual feels compelled to engage in a sexual act.</p> <p>Capacity to consent: free consent cannot be given if the individual does not have the capacity to give consent. Incapacitation may occur when an individual is asleep, unconscious, or any other state of unawareness that a sexual act may be occurring. Incapacitation may also occur on account of an impairment of or a disturbance in the functioning of, the mind or brain (whether permanent or temporary), or as the result of alcohol or substance use.</p> <p>Intoxication is never a defence for committing an act of sexual misconduct, or for failing to obtain consent.</p>
Disclosure	An individual tells a member of the University community, including the Students' Union, that they have experienced sexual misconduct (this is different from a formal complaint).
Reporting Party	The person(s) who has made a formal complaint of sexual misconduct.
Reported Party	The person(s) named in a formal complaint who is alleged to have committed an act of sexual misconduct.

## Student Disciplinary Procedure

### About this procedure

1. In this document we set out how we investigate misconduct by Anglia Ruskin University (ARU) students. Our aim is to ensure the proper working of ARU in the broadest sense. This is the benefit of all students, staff, and visitors. This means on occasions we need to take disciplinary action against a student.
2. You need to read this procedure alongside our Student Code of Conduct.
3. We may use this procedure alongside breaches of the University Student Accommodation Agreement.
4. We may use this procedure alongside the Students' Union's disciplinary procedures. We may do this when the Students' Union informs the University Secretary of their use.
5. This procedure applies to disciplinary cases opened after 1 September 2018.
6. The procedure includes residential services and sporting activities.
7. There are other forms of misconduct. We deal with these under different procedures. We tell a student which procedure we will use. The other main procedures are
  - a. Fitness to practise
  - b. Assessment offences
  - c. Library rules
  - d. Use of ICT facilities
  - e. Rules and procedures for borrowing media equipment and using media facilities
  - f. StartupLab <sup>TM</sup>

### Support and advice

It is important to us that you get the help and support you need when using these procedures. The main support services available to you are:

*Student union advice service.* This is a free, confidential and impartial service and we strongly recommend you use them when going through any of the University procedures. You can find more information about them and how to book an appointment on their website: [Student Union Advice Service](#)

*Counselling and wellbeing team.* Our counselling and wellbeing team is free, confidential and available to all ARU students. If you are going through something difficult or not feeling quite right, you can talk to them. You can find more information here: [Health and Wellbeing](#).

### If you wish to complain about another student.

If you wish to make a formal complaint about the behaviour of another student, you can do so by contacting the Office of the Secretary and Clerk at [complaints@aru.ac.uk](mailto:complaints@aru.ac.uk) and providing details of your complaint.

These procedures are not designed to resolve disputes between students, and we would recommend you speak to the Students' Union Advice Service before bringing a complaint.

We will only look into a complaint against another student if the alleged behaviour has breached our rules and regulations. If our decision is that the alleged behaviour does not breach our rules and regulations we will inform you of this.

If the alleged behaviour does breach our rules and regulations a complaint will usually follow our published disciplinary procedures. This means you will be a witness in our disciplinary investigation. You will receive a

complaint outcome, which will tell you what finding was made about misconduct, but we may not be able to give you information about the penalty imposed.

There are other forms of misconduct and if appropriate we may deal with the complaint under a different procedure.

### Procedure summary (to be read alongside the full procedure)

<b>Precautionary action</b>	→ We may need to take some action before the disciplinary investigation, for example imposing some conditions on your study. This does not mean you have been found guilty of misconduct. <b>(Page 30)</b>
<b>Informal Resolution</b>	→ This is the first stage of the procedure. We will meet with you to discuss the allegations and may impose a penalty in minor cases. <b>(Page 31)</b>  Instead of imposing a penalty, we may refer your case to formal investigation. A case may be referred directly to formal investigation if appropriate.
<b>Formal Investigation</b>	→ If your case is referred to a formal investigation an investigator will be appointed. They will gather relevant evidence, including talking to the relevant parties. They will reach an outcome on whether misconduct has occurred. <b>(Page 31)</b>  If misconduct has occurred the investigator will either issue a penalty or recommend suspension or expulsion and refer the matter to the Student Disciplinary Committee.
<b>Appeal</b>	→ When you have received a disciplinary outcome have the right to appeal on certain grounds which are set out in this procedure.

### Confidentiality

Information disclosed during or resulting from disciplinary proceedings will be treated with the appropriate degree of confidentiality.

All students involved in the student disciplinary procedure are required to maintain confidentiality and details of the investigation or outcome should not be shared with any other party. Any breach of this will be considered a breach of our student code of conduct and could result in further disciplinary action.

We are not able to accept complaints made under the provision of anonymity and if you are a witness in a disciplinary matter, we may, where necessary, need to disclose your identity. The case officer and/or investigator will inform you as a witness when it is necessary to disclose your identity.

### Precautionary action

8. We may take precautionary action against a student subject to allegations of misconduct. This is before the disciplinary investigation. A designated ARU manager may propose precautionary action. A Deputy Vice-Chancellor approves the precautionary action. If a Deputy Vice-Chancellor is unavailable, another senior manager approves precautionary action.
9. The purpose of precautionary action is to:
  - a. protect staff, other students, and visitors; and/ or

- b. allow a full investigation by either an ARU investigator or as part of a criminal process.
- 10. Precautionary action is not a penalty or sanction. This means we do not assume a student engaged in misconduct or misconduct that may constitute a criminal offence. Only an investigator decides if this is the case.
- 11. We ensure precautionary action is reasonable and proportionate. It may include:
  - a. imposing conditions on the reported student. We may require the student not to contact a reporting student and/or witness. We may require the student to move from ARU managed accommodation.
  - b. We may decide on the intermitting, suspension, or expulsion of the reported student.
- 12. Before taking precautionary action, we undertake a risk assessment. This is so we can identify the nature and extent of the required precautionary action.
- 13. If a reported student does not comply with precautionary action, we review the risk assessment. This may result in further action.
- 14. The student can ask for a review of the decision concerning intermitting, suspension, or expulsion. This is when it has been in place for a continuous period of four weeks or longer. The senior manager taking the original decision undertakes the review. If the senior manager is unavailable, another senior manager may undertake the review.

### **Criminal offences**

- 15. It may be the alleged misconduct constitutes a criminal offence if proved in a court of law. If there is a police investigation, the Secretary and Clerk decides what happens with the investigation.
  - a. ARU may suspend its investigation until the criminal process ends. We may take precautionary action.
  - b. When a criminal process concludes, the Secretary and Clerk considers whether to recommend action under this procedure. This is irrespective of the outcome of the criminal process. Where appropriate, we may take precautionary action.

### **Initiation of the disciplinary process**

- 16. Only a designated ARU manager initiates disciplinary action. The designated manager may be in a Faculty or central service. The procedure includes residential services and sporting activities.
  - a. If the matter appears capable of Informal Resolution, the manager nominates a case officer. We explain this in paragraphs 21 to 24.
  - b. If the allegations represent serious misconduct, the manager initiates a formal investigation. We explain this in paragraphs 25 to 29.
- 17. The disciplinary processes seek to determine:
  - a. whether the University can demonstrate that the alleged facts and matters occurred on the balance of probabilities;
  - b. whether those facts and matters amount to misconduct and, if so, the level and seriousness of the misconduct;
  - c. what sanction to impose, if any.

## Informal resolution

18. The first stage in the process is to consider if informal resolution is possible. A case officer appointed by the designated manager undertakes the informal resolution.
  - a. The student and the case officer discuss the allegations. The discussion may be in person, by telephone or other suitable means.
  - b. If the case officer considers the misconduct to be minor, the case officer disciplines the student. The case officer may impose one or more of the following:
    - (i) Enter a written warning and/or advice on the student's University record. This is removable after twelve months provided there are no further instances of misconduct.
    - (ii) Require the student to give an undertaking in relation to future conduct. This is removable after twelve months provided there are no further instances of misconduct.
    - (iii) Require the student to pay for any damage caused, plus any administrative costs not exceeding £25.
19. If a student contests the case officer's decision relating to informal resolution, the student may request the designated manager appoint an investigator to undertake a formal Investigation. They must do so within 20 working days of receiving the case officer's decision.
20. If the case officer considers the misconduct to be serious, or there is evidence of repeated misconduct, the case officer notifies the designated manager.
  - (i) The case officer sets out the reasons for the decision.
  - (ii) The case officer provides a written copy to the student.
  - (iii) The designated manager appoints an Investigator to undertake a formal investigation.
21. In exceptional circumstances, the investigator might be from outside the University. If the investigator is from outside the University, a report on the findings is made to the designated manager. The designated manager will determine the imposition of any penalty.

## Formal investigation

22. If there is a need for a formal investigation, the designated manager appoints an investigator, usually within 5 working days. The manager informs the student in writing of the alleged misconduct.
23. If the allegations include more than one student, the same investigator normally conducts the investigation for all the students.
24. Before undertaking the investigation, the investigator tells the student of:
  - a. the assistance and support available from the Students' Union Advice Service
  - b. the right for a friend or Students' Union Advice Service representative to accompany the student to any meeting
  - c. the right to provide a written personal statement

- d. the arrangements for undertaking the investigation
  - e. this procedure, and where to find a copy
25. The investigator decides, considering the evidence, whether there was misconduct on the balance of probability.
26. The aim is to complete the investigation within twenty working days of the investigator's appointment. The exception when the appointment is outside the published term dates for the course. In these circumstances, the aim is to complete the investigation within forty working days of the appointment.

### **The investigation meeting**

27. The student can ask the Students' Union Advice Service for support in preparing the case.
28. The investigator provides a copy of the received written evidence to the student.
29. Before meeting the student, the investigator considers any personal written statement made by the student. The student can ask the Students' Union Advice Service representative to provide support in writing the statement and preparing supporting evidence.
30. If an investigator upholds the student's position based on the student's written case, there is no requirement to meet the student. The student needs to agree this outcome. The student can ask the Students' Union representative to agree this outcome.
31. If the case requires further investigation, the investigator arranges to meet the student. This can be in a face-to-face meeting. If agreed, it can be at a distance using any appropriate means, including telephone.
32. When attending in person, a friend or a representative of the Students' Union Advice Service may accompany the student. In all cases, the friend or representative may speak on the student's behalf.
33. If a student declines to meet the investigator, the investigation continues the investigation based on the evidence collected. Non-attendance at a meeting does not affect any right of appeal.

### **Potential outcomes from a formal investigation**

34. If the investigator finds the student engaged in misconduct, the investigator decides on penalties. The investigator make take one or more of the actions listed below:
- a. decide to take no further action;
  - b. refer the matter for further investigation under the Fitness to Practise procedures, where appropriate;
  - c. issue a written warning to the student indicating the consequences of future misconduct. The warning appears on the student's record. It is removable at any specified period up to three months after the completion of the course;
  - d. require the student to pay for any damage, including an administrative charge not exceeding £25;
  - e. require the student to provide an appropriate apology for any offence or harm caused to the individuals concerned. This can include members of the outside community;
  - f. require the student to make an undertaking about further behaviour. This could include signing a behaviour improvement statement.



- g. issue a non-contact order which prevents a student from contacting another individual either verbally, electronically or in person.
  - h. in the case of student accommodation, require the student to vacate immediately any ARU managed property. This applies if the student's continued presence affects, or might affect, the safety, security, or welfare of other residents at the property or ARU employees;
  - i. restrict access to any part of the ARU's campuses (including the Students' Union or other managed premises);
  - j. restrict access to any services of ARU;
  - k. recommend suspension or expulsion of the student with immediate effect. Any decision to suspend or expel a student requires the approval of the Student Discipline Committee, convened through the Office of the Secretary and Clerk.
35. On completing the investigation, the investigator sends the student, as soon as practicable and within five working days, a written notice:
- a. summarising the alleged facts leading to the disciplinary action,
  - b. setting out the outcome of the investigation,
  - c. explaining the reasons for that outcome, and
  - d. detailing any penalty imposed.
36. If the decision leads to recommending suspension or expulsion from ARU, the investigator provides a written report of the reasons to the Student Discipline Committee, through the Office of the Secretary and Clerk. At the same time, the investigator provides a written copy to the student.
37. If the outcome does not include suspension or expulsion from ARU, the notice explains the right and method of appealing to the Vice Chancellor, through the Office of the Secretary and Clerk. The student is to appeal within twenty working days of the date of the written notice.

#### **If the recommendation leads to suspension or expulsion**

38. A case officer within the Office of the Secretary and Clerk arranges the Student Discipline Committee. The case officer is to have had no prior dealings with the case.
39. The procedures for a Student Discipline Committee hearing are set out in the schedule.
40. A student who decides to accept the decision of the investigator may notify the case officer in writing. In these circumstances, there will be no convening of the Student Discipline Committee. The Vice Chancellor confirms the decision of the investigator. The Vice Chancellor's confirmation of the investigator's decision includes a statement of the right and method of appealing to the Board of Governors through the Office of the Secretary and Clerk within twenty working days of the date of the confirmation.
41. The Student Discipline Committee may approve, amend, or set aside the recommendations of the investigator. Alternatively, the Committee may determine there should be a further investigation.
- a. The case officer informs the student of the decision, and the reasons, within five working days of the meeting.
  - b. Where the Committee's decision leads to suspension or expulsion, the Committee notifies the Vice Chancellor in writing for approval. The case officer is responsible for ensuring the Vice Chancellor and student receive the notice. The Vice Chancellor's confirmation of

approval includes a statement of the right and method of appealing to the Board of Governors panel through the Office of the Secretary and Clerk.

- c. A member of the Vice Chancellor's Group can act on behalf of the Vice Chancellor.
- d. A decision that does not lead to suspension or expulsion, or a further investigation, represents the completion of the internal procedures of the University.
- e. On completion of our internal procedures, the student may complain to the Office of the Independent Adjudicator for Higher Education (OIA). The Office of the Secretary and Clerk issues a Completion of Procedures letter within twenty working days of the date of the letter.

### **Appeal arrangements if the recommendation does not lead to suspension or expulsion**

- 42. If the penalty does not lead to suspension or expulsion from ARU, the student may appeal to the Vice Chancellor against the Investigator's decision, through the Office of the Secretary and Clerk.
- 43. The grounds for appeal are:
  - a. the decision-making process did not follow ARU procedures; and/or
  - b. the decision or sanctions are unreasonable; and/or
  - c. there are new material facts that become known only after the meeting of the panel
- 44. The student is to make the appeal within twenty working days of the date of the written notice.
- 45. In exceptional circumstances, the Secretary and Clerk may extend the time allowed for submission of an appeal for good cause. Such circumstances might include, but are not limited to, the student being ill or having other pressing reasons.
- 46. The Vice Chancellor nominates a suitable individual to act as reviewer. Normally, this is a member of the Corporate Management Team.
  - a. The reviewer decides whether we followed the procedures, the outcome is reasonable and there is no further action ARU should take.
  - b. The reviewer undertakes the review based on the appeal and review of the papers from the investigation and a meeting with the student. This includes a review of the substantive facts of the case.
  - c. If the reviewer does not uphold the appeal, this represents the completion of the internal procedures.
  - d. If the reviewer does uphold the appeal, the reviewer may approve, amend or set aside the recommendations of the investigator, or may determine there should be a further investigation into the case.
  - e. The aim is to complete the review within twenty working days of acknowledgment of receipt. The general exception is if the acknowledgment is outside the published term dates. In these circumstances, the aim is to complete the investigation within forty working days of the acknowledgement.
  - f. On completion of our internal procedures, the student may complain to the Office of the Independent Adjudicator for Higher Education (OIA). The Office of the Secretary and Clerk issues a Completion of Procedures letter within twenty working days of the date of the letter.

### Appeal arrangement if the recommendation included expulsion

47. If the penalty leads to suspension or expulsion from ARU, the student may appeal to a Governors Appeal panel.
48. The grounds for appeal are
  1. the decision-making process did not follow ARU procedures; and/or
  2. the decision or sanctions are unreasonable; and/or
  3. there are new material facts that become known only after the meeting with the Committee
- 49 The student is to appeal within twenty working days of the date of the written notice. The case officer may extend the period at the student's request for good cause. Such circumstances might include, but are not limited to, the student being ill or having other pressing reasons.
- 50 The case officer constitutes a Governor Appeals Panel, which consists of three members. The panel may include suitable individuals from outside ARU. The case officer considers the advice of the Secretary and Clerk before constituting the panel.
- 51 The case officer explains to the student in writing the arrangements for the hearing.
  - a. The Office of the Secretary and Clerk convenes a meeting with the student usually not later than twenty working days after notification of this procedure to the student.
  - b. The purpose of the meeting is to determine whether the decision-making process followed ARU procedures and the outcome was reasonable. This will include a hearing on the substantive facts of the case.
  - c. When attending in person, the student has the right for a friend or Students' Union Advice Service representative to accompany the student to any meeting. In all cases, the friend or representative may speak on behalf of the student.
  - d. If the student declines the offer of the meeting, the basis for the review will be the evidence collected.
  - e. If the Governors Appeal Panel does not uphold the appeal, this represents the completion of the internal procedures.
  - f. If the Governors Appeal Panel does uphold the appeal, the Panel may approve, amend, or set aside the recommendations of the Investigator, or may determine there should be a further investigation into the case.
  - g. The final decision is to be sent to the student in writing within seven days of the Panel meeting, unless there is a need to collect further information. Notification of the need to collect further information is sent to the student within seven days of the meeting.
  - h. On completion of our internal procedures, the student may complain to the Office of the Independent Adjudicator for Higher Education (OIA). The Office of the Secretary and Clerk issues a Completion of Procedures letter within twenty working days of the date of the letter.

### **Extending time scales**

49. The investigator, Student Discipline Committee or reviewer may extend the timescale for any stage on the request of, or with the agreement of, the student.
50. If necessary, the investigator, Student Discipline Committee or reviewer may extend a stage for good cause but must inform the student in writing of the reason for, and the length of, the extension.

Approved July 2021

## Schedule to the Student Disciplinary Procedure

### Student Discipline Committee

#### Membership of the Committee

1. In all cases, the Student Discipline Committee includes
  - i. A Dean of Faculty, who acts as the Chair
  - ii. An elected officer of the Students Union
  - iii. A member of staff from outside the student's Faculty.

#### Arranging the meeting

2. A case officer within the Office of the Secretary and Clerk oversees the arrangement of the Student Discipline Committee.
3. The case officer tells the student of:
  - the assistance and support available from the Students' Union Advice Service;
  - the right for a friend or Students' Union Advice Service representative to accompany the student to any meeting;
  - the right to provide a written personal statement;
  - the arrangements for the panel meeting, which normally meets within twenty five working days from the day on which the investigator referred the case to the committee;
  - this procedure, and where to find a copy.
4. At least fifteen working days before the meeting, the case officer gives the student and investigator written notice of:
  - the date, time, and place of the panel hearing, including the student being able to request the meeting be held by Skype or over the telephone in whole or in part;
  - the student's right to be heard;
  - the student's right to make representations on the penalty imposed;
  - the student's right to be accompanied by a friend or a Students' Union Advice Service representative;
  - the right to provide a written statement or written evidence for the panel to consider at least seven working days before the hearing;
  - the party's responsibility to let witnesses know about the hearing and to make sure they attend; and
  - the party's responsibility to let the case officer know, as soon as possible and at least two working days before the hearing, the names of the witnesses the parties plan to call.
5. At least five working days before the panel, the case officer provides the student and the investigator with a copy of any documents available to the panel.

#### Conduct of the meeting

6. The case officer oversees the record keeping of the proceedings and can for this purpose appoint a recording clerk.

7. The investigator acts as the presenting officer.
8. Evidence and representations is taken in the following order:
  - From the investigator;
  - From witnesses called by the investigator;
  - From the student (or friend or Students' Union Advice Service representative);
  - From the student's witnesses.
9. The student and the investigator have the right to be present when evidence is taken.
10. The Committee may question anyone making an oral presentation. The student and the investigator may put questions to the witnesses and to each other.
11. After the presentation of evidence and representations, final statements are made in this order:
  - i. the investigator;
  - ii. the student (which the friend or Students' Union Advice Service representative can make).
12. If a student declines to appear at the hearing, the Committee reaches a decision based on the available evidence.
13. The Committee may adjourn proceedings if necessary. The Committee is to put in writing the reason and the expected timescale for completing the proceedings.

#### **Decision making by the Committee**

14. The Committee sits in private to make its decision. The case officer is present.
15. The Committee considers the evidence presented and bases the outcome on that evidence. The standard of proof is that of the balance of probability. The burden of proof is on ARU.
16. The Committee has the power to decide one or more of the following:
  - i. To decide there is no case to answer;
  - ii. To issue a written warning to the student indicating the consequences of future misconduct. The warning appears as student's record. It is removable at any specified period up to three months after the completion of the course;
  - iii. To require the student to pay for any damage, including an administrative charge not exceeding £100;
  - iv. To require the student to provide an appropriate apology for any offence or harm caused to the individuals concerned. This can include members of the outside community;
  - v. To suspend the student for a defined period;
  - vi. To expel the student from the University.

#### **Arrangements for appeal**

17. Within five working days, the case officer informs the student in writing of the Committee's decision, and the right to appeal to the case officer within twenty working days of the date of the Committee's decision.

18. The grounds for the appeal are:
- the decision-making process did not follow ARU procedures; and/or
  - the sanctions are unreasonable; and/or
  - there are new material facts that become known only after the meeting with the Committee.
19. After sending the notice of the Committee's decision, the case officer sends the student a set of the minutes, normally within 10 working days.

**Record keeping**

20. The case officer enters the outcome on the student's course file. The outcome, together with the Committee papers, remains on file for one year after the end of the student's registration at ARU.

## Anglia Ruskin University Higher Education Corporation

### Fitness to practise procedure

#### Introduction

1. Statutory Regulatory Bodies (SRBs) are responsible for safeguarding the health and wellbeing of the public. One way is through ensuring registrants are fit to practise. Another way is by dealing swiftly and fairly with those who are unfit to practise.
2. Anglia Ruskin University (ARU) monitors students' fitness to practise on behalf of the SRBs approving our courses and this is assessed throughout a student's time on the course. We will take action under this procedure when we have concerns over a student's fitness to practise.
3. The intention of this procedure is to ensure we take appropriate action in the best interests of the public, the profession and students. In deciding what is appropriate action the University will consider whether concerns can be resolved through appropriate support and guidance, with consideration of where you are in your studies and previous conduct.
4. These procedures apply to students undertaking a course leading to eligibility to apply for entry on an SRB register. The procedures do not apply to other students and do not apply to undergraduate Medicine students. There is separate fitness to practise procedure for undergraduate Medicine students.
5. This procedure should be read in conjunction with the relevant SRB Code, Fitness to Practise standards and requirements. You can find more information about the SRB code relevant to your course on your Canvas course site
6. Where this procedure refers to Director of Studies but there is not an appropriate Director of Studies, this would instead be the equivalent senior member of staff. The student will be informed of this.

#### Support and advice

It is important to us that you get the help and support you need when using these procedures. The main support services available to you are:

*Student union advice service.* This is a free, confidential and impartial service and we strongly recommend you use them when going through any of the University procedures. You can find more information about them and how to book an appointment on their website: [Student Union Advice Service](#)

*Counselling and wellbeing team.* Our counselling and wellbeing team is free, confidential and available to all ARU students. If you are going through something difficult or not feeling quite right, you can talk to them. You can find more information here: [Health and Wellbeing](#).

*Your Faculty.* Support is available from your faculty and you may want to approach your Personal Development Tutor, Module or Course Leader for help and support during the Fitness to Practise procedure.

#### Potential issues that could cause concern

Whilst the University recognises that at pre-registration level a student is still learning, we are responsible for ensuring a student meets the expected education standards and learning outcomes of their chosen profession. The University must have in place a clear procedure to manage and take appropriate action if issues relating to good health and good character arise with consideration of the protection of the public. The potential issues that can arise are:

- (i) Health. To be fit to practise, students must be of good health. Good health means that a person must be capable of safe and effective practice without supervision. This does not relate to a student's disability or notified health condition where we will work with you to ensure through occupational health you have the right support and reasonable adjustments



- (ii) Character and conduct. To be fit to practise, students must be of good character and conduct. This means being honest and trustworthy.
- (iii) Criminal convictions. Judgments of good character takes account of relevant criminal convictions and safeguarding vulnerable groups underpins our application process, monitoring on the course and progression onto an SRB register.
- (iv) Non-disclosure of material information. Applicants and students must disclose relevant issues relating to their good character and conduct. This includes criminal investigations or convictions whilst on the course.

The University is committed to providing appropriate support, training and education to students about professional standards and information on the relevant codes and standards are integrated into your course

### Procedure summary (to be read alongside the full procedure)

<b>Precautionary action</b>	→ We may need to take some action before the Fitness to Practise investigation, for example imposing some conditions on your placement. This does not mean you have been found unfit to practise. <b>(Page 42)</b>
<b>Initial assessment</b>	→ This is the first stage of the procedure. We may meet with you to discuss the allegations and cases that do not require professional oversight can be dealt with here. <b>(Page 43)</b>  If it is considered that the matter needs further enquiry you will be informed that it is being referred to the Support and Progress Committee or in some cases directly to a Fitness to Practise panel.
<b>Support and Progress committee</b>	→ The Support and Progress committee is usually the next stage in our procedure and will be an opportunity for you to respond to concerns. If you are found to have breached professional standards but the matter does not need to be referred to a Fitness to Practise panel the matter will be dealt with here. <b>(Page 44)</b>
<b>Fitness to Practise panel</b>	→ If the matter is serious, it may be referred to a Fitness to Practise Panel. You have the right to be accompanied by a Student Union Advisor and you will be provided with the evidence before the hearing. You can find full details of this in the procedure. <b>(Page 45)</b>
<b>Appeal</b>	→ You have the right to appeal against a Fitness to Practise outcome once reached. Full details can be found in this procedure.

## Procedure for dealing with a professional concern

### Identification of an issue

7. ARU staff, practice staff, the student, another student or an internal or external agency/person may report a concern relating to fitness to practise.
8. The following are indicative of reasons for acting relating to fitness to practise:
  - evidence of risk posed to patients/ service users/ public;
  - the disclosure of a criminal conviction or caution;
  - the relevance of the issue to the chosen profession, taking account of the circumstances surrounding the issue and the student's explanation;
  - the student's commitment to working safely and effectively, upholding the trust and confidence of patients/service users.
9. The Director of Studies with responsibility for the course receives notifications of concerns about fitness to practise.
10. If more than one Director of Studies has responsibility for the course, the Directors decide between them which one investigates the case.

### Precautionary action

11. The Director may recommend precautionary action against a student under the Fitness to Practise procedure. A Deputy Dean approves the precautionary action.
12. The purpose of precautionary action is to protect the student(s), staff, other students, visitors, and service users.
13. Precautionary action is not a penalty or sanction. This means there is no presumption a student is not fit to practise. Only a Fitness to Practise Panel decides if this is the case.
14. We ensure precautionary action is reasonable and proportionate. It may include imposing conditions on the student.
  - i. We may prevent the student from undertaking or continuing with a placement.
  - ii. We may prevent the student from attending sessions within the University.
  - iii. Exceptionally, we may require the intermitting or suspension of the student, subject to the approval of a Deputy Vice-Chancellor
15. Before taking precautionary action, we undertake a risk assessment. This is so we can identify the nature and extent of the required precautionary action
16. If the student does not comply with a precautionary action, we review the risk assessment. This may result in further action.
17. The student can ask for a review of the decision concerning intermitting or suspension. This is when it has been in place for a continuous period of four weeks or longer. The senior manager taking the original decision undertakes the review within ten working days of the request. If the senior manager is unavailable, another senior manager may undertake the review.

### Stage 1 - initial assessment of concerns

18. The Director of Studies undertakes the initial assessment and investigation of the concern. The Director consults the Module Leader and/or Course Leader and/or appropriate staff from practice to determine if the issue relates to fitness to practise. The Director considers any personal statement from the student.
19. If the Director decides, following consulting with the Module Leader and/or Course Leader and considering any student statement, that there are no fitness to practise issues, the Director closes the case.
- a. The basis for the decision is the student can maintain practice competence. There is no for further action.
  - b. The Director informs the student, Module Leader, Course Leader and the Head of School or Department in writing. If there was a referral by a third party, the Director confirms closure of the case following the review.
  - c. The Director retains the records relating to the initial review for a period of six months. There is no entry on the student's course record.
20. If the Director considers the issue to be minor, the Director may resolve the matter through meeting the student. A minor matter is one readily correctable through support and guidance and that does not require professional oversight. The Director may decide one of more of the following is appropriate, requiring the student to:
- (i) write a reflective statement to demonstrate engagement and understanding of the professional standards and professional learning. This could include giving an undertaking in relation to future conduct which would be removable after twelve months if there are no further reported issues; and/or
  - (ii) undertake specified remedial action to demonstrate engagement with and understanding of the professional standards; and/or
  - (iii) make a written apology to specified individuals

The Director of Studies may also issue:

- (iv) An oral warning. A record is made of an oral warning, which is placed on the student's record. This is removable after twelve months provided there are no further reported issues. If there is a further minor issue within the six-month period, the matter will be referred to the Support and Progress Committee. The referral will be within ten working days of the matter becoming known.
- (v) Entry of a written warning and/or advice on the student's record. This is removable after twelve months provided there are no further reported issues. If there is a further minor issue within the twelve-month period, the matter will be referred to the Support and Progress Committee. The referral will be within ten working days of the matter becoming known.

Where appropriate, the Director may advise the student to:

- (vi) seek support through support services that may include counselling & wellbeing (including mental health), disability support services, occupational health services, confidential counselling services, the Students' Union Advice Centre and personal tutors.

20. If a student contests the Director's decision, the student may request a meeting with the Support and Progress Committee within ten working days of the written notification of the decision.

## Stage 2 – Support and Progress Committee

21. If, following the initial review, the Director considers there are reasons for further enquiry, the Director convenes a meeting of the Support and Progress Committee within ten working days after informing the student.

- a. The Director sets out the reasons for the decision to convene the Committee, along with the reasons for concern. The Director provides a written copy to the student and the Module Leader, Course Leader, and the Head of School or Department.
- b. Before convening the Committee, the Director tells the student of:
  - i. the assistance and support available from the Students' Union Advice Service;
  - ii. the right for a friend or Students' Union Advice Service representative to accompany the student to the meeting of the Committee;
  - iii. the right to provide a written personal statement to the Committee;
  - iv. the membership of the Committee;
  - v. the arrangements for meeting of the Committee;
  - vi. the Fitness to Practise Procedures, and where to find a copy.
- c. The Director should also provide the student and the committee with the evidence received from practise in relation to his matter.

Where the matter is of a serious nature, it may be reasonable for the Director to refer the case directly to a Fitness to Practise Panel Hearing. The Director of Studies will seek advice from the Secretary and Clerks office for guidance and support before referral to a Fitness to Practise Panel Hearing. This decision and the rationale for doing so will be confirmed to you in writing.

21. The purpose of the meeting of the Support and Progress Committee is to enable the student to respond to the professional concerns.
- a. The student can ask the Students' Union Advice Service for support in preparing the case.
  - b. When attending in person, a friend or a representative of the Students' Union Advice Service may accompany the student. In all cases, the friend or representative may speak on the student's behalf.
  - c. If a student declines to attend the Committee, the investigation continues based on the evidence collected.

22. Following the meeting, the Committee makes one of the following decisions:

- i. There is no need for further action. The Committee closes the case.
  - a. The Director, on behalf of the Committee, informs the student and Module and Course Leader in writing. If there was a referral by a third party, the Director confirms closure of the case following the investigation.
  - b. The Director retains the records of the Committee for the duration of the student's registration on the course.
- ii. Although the student breached professional standards, the issue is resolvable with support. This is where the student can continue their study/placement without any form or interruption. The Committee applies an appropriate sanction. The Committee makes an entry on the student's departmental file, retainable for the duration of the course. Potential sanctions include one or more of the following:
  - the issue of a formal warning;

- requiring the student to produce a written reflection on the issue(s), to demonstrate engagement and understanding of the professional standards and setting out the professional learning from the experience;
- requiring the student to make a learning agreement to address the issues in practice, and to provide evidence of improvement and reflection;
- requiring the student to take specified remedial action;
- requiring the student to make a written apology to specified individuals;
- requiring an investigation under the University Disciplinary Policy.

Where there is application of a sanction, the Module or Course Leader will offer the student appropriate support from a mutually agreed member of staff.

The student may appeal against the decision-making process through requesting a Fitness to Practise Hearing. The request is to be made to the Office of the Secretary and Clerk.

- iii. The student breached professional standards. The issue is not resolvable at this stage. The Committee refers the case to a Fitness to Practise Panel.
23. The Director writes to the student confirming the outcome of the Committee. The Director enters the outcome on the student's course file. Any subsequent incidents may take account of earlier outcomes. The outcome, together with the Committee papers, remains on file for one year after the completion of the course.
  24. If a student fails to address the Committee's requirements, the Director invites the student to a meeting to discuss any potential mitigating circumstances. The Director determines how the matter should progress. This could, for example, involve additional time to fulfil the sanctions or the resubmission of a written reflection which hasn't met the expected requirements. The Director will agree with the student any support required.
  25. If a student does not accept, or address, the sanctions decided by the Committee, the Director refers the case to a Fitness to Practise Panel. The referral is to the Office of the Secretary and Clerk. The Director informs the relevant Module Leader and Course Leader and the Head of School or Department in writing of the decision to make the referral.
  26. In line with any regulatory requirements, ARU will report any professional concerns to the relevant Statutory Regulatory Body.

### **Stage 3 Arranging a Fitness to Practise Panel**

26. A case officer within the Office of the Secretary and Clerk arranges the panel.
27. The case officer tells the student of:
  - i. the assistance and support available from the Students' Union Advice Service;
  - ii. the right for a friend or Students' Union Advice Service representative to accompany the student to any meeting;
  - iii. the right to provide a written personal statement;
  - iv. the arrangements for the panel meeting, which normally meets within twenty working days from the day on which the Committee referred the case to a panel;
  - v. this procedure, and where to find a copy
32. At least 15 working days before the meeting, the case officer gives the student and Director written notice of:
  - the date, time, and place of the panel hearing;
  - the student's right to be heard;

- the student's right to be accompanied by a friend or a Students' Union Advice Service representative;
  - the right to provide a written statement or written evidence for the panel to consider at least seven working days before the hearing;
  - the party's responsibility to let witnesses know about the hearing and to make sure they attend; and
  - the party's responsibility to let the case officer know, as soon as possible and at least two working days before the hearing, the names of the witnesses the parties plan to call.
33. At least five working days before the panel, the case officer provides the student and the Director of Studies with two copies of any documents available to the panel.
34. The procedures for a Fitness to Practise Panel Hearing for Health and Social Care professionals are set out in the schedule.

### **The recommendations of the panel**

35. The Vice Chancellor may approve the recommendations of the panel. Alternatively, the Vice Chancellor may determine there should be a fresh hearing of the case.
- a. The Vice Chancellor informs the student of the decision within ten working days of the receipt of the report.
  - b. An Acting Vice Chancellor can act on behalf of the Vice Chancellor.

### **Appeal arrangements**

36. The Fitness to Practise Panel's decision will include a statement of the right and method of appealing to the Governors Appeal Panel, through the Office of the Secretary and Clerk.
37. The student is to appeal within twenty working days of the date of the written notice. The Office of the Secretary and Clerk may extend the period at the student's request for good cause. Such circumstances might include, but are not limited to, the student being ill or having other pressing reasons.
38. A case officer from the Office of the Secretary and Clerk constitutes a Governor Appeals panel, which consists of three members. The panel must include a suitably qualified professional member of a profession regulated by an SRB. The case officer considers the advice of the Secretary and Clerk before constituting the panel.
39. The Office of the Secretary and Clerk explains to the student in writing the arrangements for the hearing.
- a. The Office of the Secretary and Clerk convenes a meeting with the student not later than twenty working days after notification of this procedure to the student.
  - b. The purpose of the meeting is to determine whether the decision-making process has followed ARU procedures and the sanctions reasonable. This will include a hearing on the substantive facts of the case.
  - c. When attending in person, the right for a friend or Students' Union Advice Service representative to accompany the student to any meeting. In all cases, the friend or representative may speak on behalf of the student.
  - d. If the student declines the offer of the meeting, the basis for the review be the evidence collected.
  - e. If the panel does not uphold the students appeal, this represents the completion of the internal procedures.
  - f. If the panel upholds the students appeal, the Panel may approve, amend, or set aside the recommendations of the original Fitness to Practise Panel, or may determine there should be a

further investigation into the case. If the panel uphold the appeal but does not conclude there should be a further investigation into the case this represents the completion of the internal procedure.

- g. The final decision is to be sent to the student in writing within seven days of the meeting, unless there is a need to collect further information. Notification of the need to collect further information is sent to the student within seven days of the meeting.
- h. On completion of our internal procedures, the student may complain to the Office of the Independent Adjudicator for Higher Education (OIA). The Office of the Secretary and Clerk issues a Completion of Procedures letter within twenty working days of the date of the letter.

40. The Director of Studies enters the outcome on the student's course file. Any subsequent incidents may take account of earlier warnings. The outcome, together with the panel papers, remains on file for six years after the completion of the course.

## Schedule

### Fitness to Practise Panel Hearing

1. In all cases, the panel includes:
  - i. A Dean of Faculty, who acts as the Chair;
  - ii. A suitably qualified member staff who is a member of a profession regulated by an SRB;
  - iii. An independent member from outside ARU who is a member of the profession that accredits the course.
2. The case officer oversees the record-keeping of the proceedings and can for this purpose appoint a recording clerk.
3. Evidence and representations are taken in the following order:
  - From the Director of Studies;
  - From witnesses called by the Director of Studies;
  - From the student (or friend or Students' Union Advice Service representative);
  - From the student's witnesses.
4. The student and Director of Studies have the right to be present when evidence is taken.
5. The panel may question anyone making an oral presentation. The student and Director of Studies may put questions to the witnesses and to each other.
6. After the presentation of evidence and representations, final statements are made in this order:
  - i. Director of Studies;
  - ii. the student (which the friend or Students' Union Advice Service representative can make).
7. If a student declines to appear at the hearing, the panel reaches a decision based on the available evidence.
8. The panel may adjourn proceedings if necessary. The panel is to put in writing the reason and the expected timescale for completing the proceedings.
9. The panel sits in private to make its decision. The case officer is present.
10. The panel considers the evidence presented and bases the outcome on that evidence. To apply sanctions, the panel must conclude, based on the presented evidence, the student is not fit to practise. The standard of proof is that of the balance of probability. The burden of proof is on ARU.
11. The panel exercises professional judgement in reaching a conclusion regarding the outcome and sanction. In applying a sanction, the panel ensures it is proportionate to the breach of professional standards that initiated the procedure, and that it addresses fairly the fitness to practise issue(s). Sanctions give primacy to protecting the public and upholding public confidence in the profession.
12. The panel has the power to decide one of the following:
  - i. there were no reasons for concern;
  - ii. there were reasons for concern, but they were not serious enough to determine the student was not fit to practise. Potential sanctions include one or more of the following:
    - the issue of a formal warning;
    - requiring the student to produce a written reflection on the issue(s), setting out the professional learning from the experience;



- requiring the student to make a learning agreement to address the issues in practice, and to provide evidence of improvement and reflection;
  - requiring the student to take specified remedial action;
  - requiring a written apology to be made to specified individuals;
  - requiring the student to retake part of the course;
  - suspension of the student from the course for a specified period.
- iii. the student is not fit to practise. Potential sanctions include one of the following:
- suspension of the student from the course, but allowing transfer to another course not leading to professional registration;
  - expulsion from ARU;
  - reporting to the Disclosure and Barring Service (DBS) where there are concerns that the student may have harmed a child or vulnerable adult, or put a child or vulnerable adult at risk of harm.

15. Within five working days, the case officer informs the student in writing of the panel's decision, and the right to appeal to the case officer within twenty working days of the date of the panel's decision.

16. The grounds for the appeal are:

- i. the decision-making process did not follow ARU procedures; and/or
- ii. the sanctions are unreasonable;
- iii. there are new material facts that become known only after the meeting of the panel.

17. After sending the notice of the panel's decision, the case officer sends the student a set of the minutes, normally within 10 working days.

18. The Director of Studies enters the outcome on the student's course file. Any subsequent incidents may take account of earlier recorded warnings. The outcome, together with the panel papers, remains on file for the duration of the student's registration on the course.

## **Support and Progress Committee**

### **Membership and Terms of Reference**

#### **Membership of the Committee**

1. Director of Studies (Chair). In the absence of a Director of Studies, the Dean of Faculty may appoint a person of equivalent standing as Chair.
2. A Head of School or nominated Deputy Head of School for the student
3. A suitability qualified member of the profession regulated by the SRB that regulates the course. This can be either a member of ARU staff or where appropriate an independent professional from outside ARU.

#### **Convening the Committee**

The Support and Progress Committee reviews a case

either referred by the Director of Studies;

or where a student contests the Director Studies' decision following an initial assessment of concerns.

#### **Basis for consideration**

Reasons for a referral to the Committee (not intended as an exhaustive list) include:

- poor attendance and promptness in attending sessions.
- poor performance in placement assessments.
- the student did not address a previous notification of professional concerns. (This includes any concerns arising as part of the course, even if not previously considered by the Support and Progress Committee)
- ongoing health and social issues impacting on the student's studies, other than for reasons of disability.
- poor attitudes and behaviours impairing the professionalism of the student.
- failing to adhere to a dress code on placements.
- inappropriate use of social media.
- usage of inaccurate records

Consideration depends on the circumstances of the case.

The process is to provide timely intervention rather than waiting until a significant concern arises.

#### **Student's Right of Attendance**

The student has the right to attend the meeting of the Committee.

- a. The student can ask the Students' Union Advice Service for support in preparing the case.
- b. When attending in person, a friend or a representative of the Students' Union Advice Service may accompany the student. In all cases, the friend or representative may speak on the student's behalf.
- c. If a student declines to attend the Committee, the investigation continues based on the evidence collected.

The purpose of the meeting is to enable the student to discuss with the Committee allegations of unprofessional conduct.

## Terms of Reference

The Committee is to

- (a) Review the identified potential unprofessional conduct taking into consideration the student's previous behaviour, where they are in their studies and their response to the issues raised.
- (b) Decide whether the student reached the threshold for impairing fitness to practise requiring a referral to a Fitness to Practise Panel. The Committee is to take account of the potential for:
  - any risk to service users or the public; and/or
  - the undermining of public trust in the profession; and/or
  - a breach of a professional code of conduct
- (c) Propose appropriate corrective action if the unprofessional behaviour fails to meet the threshold for a Fitness to Practise Panel but constitutes a low-level concern.

The Committee will consider student behaviour on a case-by-case basis.

The Committee's written record is to set out the reasons for the decision to provide an explanation to the student. Where there is a low-level concern, the record is to set out the arrangements for taking any necessary corrective action.

The Chair writes to the student to confirm the outcome of the committee. This includes the student's right to appeal the outcome of the committee if a sanction has been imposed which is less than a referral to a fitness to practise committee.

These terms of reference need reading in conjunction with the Fitness to Practise Procedure.

## Anglia Ruskin University Higher Education Corporation

### Student Complaints Procedure

#### Introduction

At Anglia Ruskin University, we define a complaint as a specific concern regarding an aspect of our course provision or an academic or support service that affects your learning opportunities. This includes a failure to meet our obligations or provide accurate information, our provision of the service and the quality of our resources.

We have some limits to our Student Complaints Procedure:

1. If your complaint concerns assessment or examination regulations, we use the Academic Appeals Procedure. There is information on the Academic Appeals Procedure here: <http://web.anglia.ac.uk/anet/academic/appeals/index.phtml>. Sometimes we need to use both the appeals and the complaints procedure. This is because an issue may include a complaint and an appeal. If this happens, we will tell you the procedure used for different parts of your case. You can ask questions about academic appeals by emailing: [student-appeals@aru.ac.uk](mailto:student-appeals@aru.ac.uk).
2. If your complaint concerns another student, you need to use the Student Disciplinary Procedures.
3. The Student Complaints Procedure applies to registered students and not to applicants. There is a separate admissions complaints procedure. We deal with complaints from existing students about applications to a new programme under the admissions complaints procedure.
4. If you are a student at a partner institution, you are to use our partner's complaints procedure. Our partner institution will complete its complaint investigation and if any part of the complaint needs to be considered under this complaints procedure our partner will let you know. Our partner's completion of procedures letter will tell you how you can take your complaint further.

If you are unsure which procedure to use, the Students' Union Advice Service can help you. In addition, the Office of the Secretary and Clerk can offer advice about the complaints procedure.

Where your concern is about, or could be considered under, a different University procedure, we may decide to put either the student complaints procedure or the other University procedure on hold. Where this is the case, we will inform you of this decision and the new timeframes that apply to each procedure.

#### Our approach to addressing complaints

We will respond to your complaint and set out our reasons for our decision. If we uphold your complaint, we will tell you how we intend to address your complaint.

We see you as a partner in reaching a resolution to your complaint. We consider Early Resolution of complaints as vital. We will expect you to assist us in seeking a resolution to your complaint.

You might feel you need some help. You can ask the Students' Union Advice Service for support at any stage. You might find it helpful to talk to the Students' Union Advice Service at the start of using the procedures. This can help with an Early Resolution of your complaint.

You will suffer no disadvantage if you make a complaint. Therefore, it should be unnecessary to make an anonymous complaint. Raising a concern anonymously can impede the investigation and communication of the outcome. Exceptionally, and where there is a compelling case supported by evidence, we might accept an anonymous complaint. However, there is a limit to the investigation we can undertake.

Our Student Complaints Procedure allows an individual or a group to make a complaint. If you are one of several students with the same complaint, you may make a 'group complaint'. To help manage the complaint, we may ask your group to nominate a representative. When we address a group complaint, we ensure this collective complaint fairly represents the views of the entire group. We follow the same process as an individual complaint. This includes using Early Resolution.

It is difficult to address complaints after a lapse of time. Therefore, we have timescales within the procedures. These time limits allow sufficient time for Early Resolution. We can agree with you changes to the timescales. This may be necessary if there are difficulties in accessing information or in engaging in discussions.

## Support and advice

It is important to us that you get the help and support you need when using these procedures. The main support services available to you are:

**Student union advice service.** This is a free, confidential and impartial service and we strongly recommend you use them when going through any of the University procedures. You can find more information about them and how to book an appointment on their website: [Student Union Advice Service](#)

**Counselling and wellbeing team.** Our counselling and wellbeing team is free, confidential and available to all ARU students. If you are going through something difficult or not feeling quite right, you can talk to them. You can find more information here: [Health and Wellbeing](#).

## Procedure summary (to be read alongside the full procedure)

Early resolution	→	This is the first stage in our complaints procedure. You should make your complaint within 20 working days of becoming aware of an issue. This should be to the person closest to the matter.
CS1	→	If you are not satisfied with the outcome offered at Early Resolution you can make a formal complaint by completing a CS1 complaint form online. This should be made within 20 working days of your Early Resolution outcome and an investigator will be appointed. Your complaint will be formally investigated, and you will usually receive an outcome within 20 working days.
CS2	→	If you are not satisfied with your CS1 outcome you can refer your complaint to the review stage on the following grounds only: <ul style="list-style-type: none"><li>• the decision-making process did not follow ARU procedures; and/or</li><li>• the decision itself is unreasonable; and/or</li><li>• there are new material facts that become known only after the CS1 response was issued</li></ul>

## Use of Early Resolution

You need to complain within twenty working days of becoming aware of an issue. The reason is so that we can seek an Early Resolution of your issue. The aim should be to complete Early Resolution within one month. The member of staff will write to you if it is not possible to reach Early Resolution. The member of staff will explain why this is not possible.

For most complaints, it is possible to reach Early Resolution. Usually we can resolve a complaint quickly at the first level of contact.

We see Early Resolution as a vital part of our procedures. If you make a formal complaint, we will look at whether you sought Early Resolution. If there was no attempt at Early Resolution, we may recommend this as a potential solution as a starting point.

There may be times when it is not appropriate to use Early Resolution. You can make a formal complaint if this the case. The Students' Union Advice Service can help you if you think that you need to make a formal complaint immediately.

<b>What you should do if you have a complaint</b>
1. Make your complaint within twenty working days of becoming aware of an issue.
2. You may decide you need some help. You can get help from the Students' Union Advice Service to seek an Early Resolution. The Students' Union Advice Service can act on your behalf if you agree.
3. You need to identify who to approach with a complaint and talk to this person.
<ul style="list-style-type: none"> <li>• To complain about your course, talk to your Module Tutor or Course Director/Leader.</li> <li>• To complain about one of our services, talk either to the person providing the service or the person's line manager or supervisor.</li> <li>• The Students' Union Advice Service can help you identify the best person to approach.</li> </ul>
4. Explain your complaint to the member of staff, or the supervisor or manager. Explain what you would like done to resolve the complaint. You can do this in person or in an email. The Students' Union Advice Service can help you.
5. If you are unhappy with the outcome of Early Resolution, you can ask the member of staff to write to you explaining the outcome. If you do not get a written response the Students' Union Advice Service can help you. If you wish, you can make a formal complaint. You need to do this within twenty working days of the date of the response. We can extend the time to forty working days if you can give a good reason for not making the complaint within twenty working days.

### **Making a formal complaint**

If we cannot address your complaint through Early Resolution, you can make a formal complaint.

You need to make a formal complaint within twenty working days of the completion of Early Resolution. You should use a CS1 form to make your complaint. You should ask the person responding to your complaint through Early Resolution to write to you explaining the outcome. This will confirm the end date of the attempt at Early Resolution. It will explain the reason for the decision.

<b>What happens if you wish to make a formal complaint</b>
1. Complete a CS1 form. You need to send it to Office of the Secretary and Clerk within twenty working days of the date of the response following Early Resolution. We can extend the time to forty working days if you can give a good reason for not making the complaint within twenty working days.
2. You may decide you need some help. You can ask the Students' Union Advice Service to help you to complete the CS1 form.
3. If the complaint is about your course, the CS1 form goes to the relevant Deputy Dean of Faculty. If the complaint is about a service, the CS1 form goes to the Deputy Director of a Professional Service or a nominee of the Director of the service. The Deputy Dean or Deputy Director will either investigate the complaint or appoint someone else as an investigator. Alternatively, and depending on the circumstances, the Deputy Dean or Deputy Director can propose mediation as a means of resolving the issue. The investigator will consider your complaint. You will be able to state your case to the investigator. The Students' Union Advice Service can act on your behalf if you agree. The investigator will ask the person responding at the Early Resolution stage to explain the decision.

4. The investigator should respond within twenty working days of receiving the complaint. If this is not possible, the investigator will write to you to tell you the revised date and explain the reason for the delay.
5. The reviewer may offer mediation as a means of reaching a resolution of your complaint. We will explain the nature of mediation to you.
6. If the investigator upholds your complaint, the relevant department will produce an action plan. This will set out how the department will address your complaint. The department will send you the action plan with you within ten working days of the investigator informing you of the outcome. Outside term time, the department will send you the action plan within fifteen working days. The department will seek agreement with you to the plan. If the department cannot agree an action plan with you, you can tell the investigator. The investigator will act as a reconciliator between you and the department. If reconciliation is not possible, the investigator will explain the reason in writing and how you can ask for a review of the decision. You will be told how you can proceed to the next stage if you remain dissatisfied with the outcome. You need to do this within twenty working days of the date of the response. We can extend the time to forty working days if you can give a good reason for not making the complaint within twenty working days.
7. If the investigator does not uphold your complaint, there will be a written explanation of the reason and a copy of the evidence they have relied on will be provided. The investigator will tell you how you can ask for a review of the decision. You will be told how you can proceed to the next stage if you remain dissatisfied with the outcome. You need to do this within twenty working days of the date of the response. We can extend the time to forty working days if you can give a good reason for not making the complaint within twenty working days.

The investigator will send a copy of the reply to the Office of the Secretary and Clerk.

**Review of your complaint**

If we cannot resolve your complaint at the formal stage, you can ask for a review of our decision. You make the request by completing a CS2 form and you can do so on the following grounds:

1. the decision-making process did not follow ARU procedures; and/or
2. the decision itself is unreasonable; and/or
3. there are new material facts that become known only after the CS1 response was issued

You need to do this within twenty working days of the date of the final response from the investigator. We can extend the time to forty working days if you can give a good reason for not making the complaint within twenty working days.

<b>What happens if you wish to ask for a review of your complaint</b>	
1.	Complete a CS2 form. You need to send it to the Office of the Secretary and Clerk within twenty working days of the date of the final response from the investigator.
2.	You may decide you need some help. You can ask the Students' Union Advice Service to help you to complete the CS2 form.
3.	The CS2 form goes to a senior member of staff, normally a member of the Corporate Management Team. The senior member of staff acts as reviewer of your complaint. The Office of the Secretary and Clerk provides support for the reviewer.
4.	The reviewer may offer mediation as a means of reaching a resolution of your complaint. We will explain the nature of mediation to you.

5.	If there is no offer of mediation, or you do not accept the offer of mediation, the reviewer will look at your case. This will be done by reviewing the documentation from the complaint investigation.
6.	Following the review of your complaint, the reviewer should write to you with the decision within twenty working days of receiving the CS2 form. If this is not possible, the reviewer will write to you to tell you the revised date and explain the delay.
7.	If the reviewer upholds your complaint, the relevant department will produce an action plan. If the review concerned a dispute over the original action plan, the department will produce a revised action plan. This will set out how the department will address your complaint. The department will agree the action plan with you within ten working days of the reviewer informing you of the outcome. Outside term time, the department will send you the action plan within fifteen working days. The department will seek agreement with you to the plan. If the department cannot agree an action plan with you, you can tell the reviewer. The reviewer will act as a reconciliator between you and the department. If reconciliation is not possible, the reviewer will tell you in writing that you can complain to the Office of the Independent Adjudicator for Higher Education (OIA).
8.	If the reviewer does not uphold your complaint, there will be a written explanation of the reason. The reviewer will tell you in writing that you can complain to the Office of the Independent Adjudicator for Higher Education (OIA)

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

If you remain unhappy with our decision, you can complain to the Office of the Independent Adjudicator for Higher Education (OIA). The OIA is an independent body that reviews student complaints. There is no charge to a student for complaining to the OIA.

Within twenty working days of the end of the review, we will send you a Completion of Procedures Letter. We will explain in the letter how you can complain to the OIA. You need complain to the OIA within 12 months of the date of our letter. We may suggest you complain to the OIA earlier if we think it is appropriate.

You can find out about the OIA on their website: [www.oiahe.org.uk](http://www.oiahe.org.uk) . The OIA decides if your complaint is eligible under their rules.

You can ask the Students' Union Advice Service for help if you decide to complain to the OIA.



## **Partnership Institution Complaints Procedure**

### **1. Introduction**

1.1 A partner institution is an organisation other than the University which is involved in delivering some or all the learning, teaching, assessment, and student support.

1.2 If your course is delivered by a partner institution, you must initially follow the partner's complaints procedures.

1.3 Depending on the nature of the complaint you may, once you have completed the partner institution's complaint procedure, be able to escalate the complaint to the University.

1.4 The partner institution will inform a student where they have the right to escalate a complaint to the University.

### **2. Types of complaints considered**

2.1. The University will only consider complaints about:

2.12 the quality of a student's learning opportunities, and/or

2.13 the academic standards of its awards.

2.2. This may include a review of complaints about the delivery of teaching and learning or the partners associated resources, for example library facilities.

2.3. It does not include a review of non-academic complaints, for example, complaints about, accommodation, support services and finance.

2.4. Complaints will not be considered where they relate to matters of academic judgment.

### **3. Early resolution (Informal resolution)**

3.1. Early resolution must be completed using the partner institution complaints procedure.

### **4. Stage One (Formal resolution)**

4.1 Complaint Stage One must be completed using the partner institution complaints procedure.

4.2 At the end of your Complaint Stage One, the partner institution will inform you of your right to escalate the complaint through the University if it falls within the scope of section 2 of this policy.

4.3 If you haven't been given the right to appeal to the University but you think your complaint is within the scope of section 2 you can contact [complaint@aru.ac.uk](mailto:complaint@aru.ac.uk) within 5 working days to query this.

### **5. Stage Two (Formal resolution)**

5.1 If the partner institution cannot resolve your complaint at Stage One, you can ask the University to review this decision.

5.2 You must have received confirmation under section 1.4 that you have the right to escalate your complaint to the University.

5.3 You must do so within 20 working days of receiving your Stage One outcome.

5.4 You must make the request by completing a CS2 form, available [here](#):

5.5. You can ask for a review of your complaint on the following grounds:

5.51. the decision-making process did not follow procedures; and/or

5.52. the decision itself is unreasonable; and/or

5.53. there are new material facts that become known only after the formal response was issued by the partner institution.

5.5. The CS2 form goes to a senior member of Anglia Ruskin University staff, normally a member of the Corporate Management Team. The senior member of staff acts as reviewer of your complaint.

5.6. Following the review of your complaint, the reviewer should write to you with the decision within twenty working days of receiving the CS2 form. If this is not possible, the reviewer will write to you to tell you the revised date and explain the delay.

5.7. If the reviewer does not uphold your complaint, there will be a written explanation of the reason. The reviewer will tell you in writing that you can complain to the Office of the Independent Adjudicator for Higher Education (OIA)

**Anglia Ruskin University Higher Education Corporation**

**Right of appeal against termination of UKVI Tier 4 sponsorship (for non-EU students)**

- 1 If you do wish to appeal, then you must do so by sending a letter or email to the Secretary and Clerk stating the grounds for your appeal. Your appeal will then be considered by a senior member of staff designated by the Vice Chancellor.
- 2 Because of UKVI reporting deadlines your appeal must be sent within 5 working days from the date of your suspension. Any appeal sent after this time will not be considered.
- 3 A decision will be made by our member of staff within 3 working days and sent to you. There is no further right of appeal to this University.

Reviewed July 2020

## Anglia Ruskin University Higher Education Corporation

### Code of Practice made pursuant to the provisions of Education Act 1994 s.22(3)

This Code of Practice has been prepared in order to show the manner in which the Board of Governors of Anglia Ruskin University ("the Board") carries into effect each of the requirements set out in Education Act 1994 s.22(2) in relation to Anglia Ruskin Students' Union.

**(a) the union should have a written constitution;**

Anglia Ruskin Students' Union is a company limited by guarantee. It is required by Companies Act 2006 to have a written Memorandum and Articles of Association, which documents constitute its constitution.

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

The Board considered the proposed Memorandum and Articles of Association of Anglia Ruskin Students' Union when that body was incorporated to assess whether it was appropriate, in the light of the obligations of the Board under Education Act 1994 s.22(2), to approve the proposed Memorandum and Articles of Association, and decided to grant approval.

The Memorandum and Articles of Association of Anglia Ruskin Students' Union cannot be altered otherwise than in accordance with the requirements of Companies Act 2006. The Board considers any proposed amendment to the Memorandum and Articles of Association with a view to deciding whether to approve such amendment. It will review the Memorandum and Articles of Association at least at intervals of five years after the last consideration of any proposed amendment.

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

The Board has ensured that any student at Anglia Ruskin University has a right not to become, or to remain, a member of Anglia Ruskin Students' Union. That right is exercised either by indicating, upon becoming a student at Anglia Ruskin University, that that student does not wish to become a member of Anglia Ruskin Students' Union, or by resigning as a member of Anglia Ruskin Students' Union in accordance with the Articles of Association of Anglia Ruskin Students' Union.

The Board ensures that any student who is not a member of Anglia Ruskin Students' Union is not disadvantaged with regard to the provision of services or otherwise. There are various ways in which a student who is not a member of Anglia Ruskin Students' Union might be disadvantaged, and so counteracting any disadvantage in a particular case is dealt with in the manner appropriate in that case.

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

The election of officers of Anglia Ruskin Students' Union is regulated by the Articles of Association of that company and bye-laws made under those Articles of Association. Those Articles of Association and byelaws provide for all officers to be elected by secret ballot and that, in relation to the major union officers, the election is one in which all members are entitled to vote. The Board would not approve any amendment to the Articles of Association and/or bye-laws to remove or to limit that mode of election or the persons entitled to vote.

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

The Board has agreed that elections to positions in Anglia Ruskin Students' Union should be supervised by a returning officer nominated by the Students' Union Trustee Board based on their competency to oversee elections and will not be a member of the Students' Union. Such returning officer reports to the Board of Governors, through its Student Matters Committee, within four weeks of any election on the manner in which the election was conducted.

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

Holding office in breach of this requirement is prohibited in the Articles of Association and bye-laws of Anglia Ruskin Students' Union. The Board would not approve any amendment to the Articles of Association or byelaws which would permit a breach of this requirement.

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

The Board requires that the financial affairs of Anglia Ruskin Students' Union are conducted in accordance with arrangements made with, and approved by, the Financial, Employment and General Purposes Committee of the Board. Those arrangements include the consideration and approval by that Committee of the budget of Anglia Ruskin Students' Union.

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

Anglia Ruskin Students' Union prepares annually financial statements which are audited and submitted for the approval of the Board. Copies of the approved financial statements are available in each of the libraries of Anglia Ruskin University, and the Board has required that copies be made available by Anglia Ruskin Students' Union to any student upon request and without payment.

The Board requires that the financial statements disclose a list of external organisations to which Anglia Ruskin Students' Union has made donations during the period to which the financial statements relate, and details of those donations.

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

Sports facilities are provided, principally by Student Services of Anglia Ruskin University, and not through Anglia Ruskin Students' Union. Non-sports facilities for students which are organised by clubs or societies do operate under the aegis of Anglia Ruskin Students' Union. The Board monitors the allocation of funds by Anglia Ruskin Students' Union to its constituent clubs and societies as part of its supervision of the finances of Anglia Ruskin Students' Union.

- (j) if the union decides to affiliate to an external organisation, it should publish notice of its decision stating – (i) the name of the organisation, and (ii) details of any subscription or similar fee paid or proposed to be paid, and of any donation made or proposed to be made, to the organisation;**

The Board has communicated to Anglia Ruskin Students' Union that it requires to be given the information specified above in the event that Anglia Ruskin Students' Union decides to affiliate to an external organisation.

- (k) where the union is affiliated to any external organisations, a report should be published annually or more frequently containing – (i) a list of the external organisations to which the union is currently affiliated, and (ii) details of subscriptions or similar fees paid, or donations made, to such organisations in the past year (or since the last report), and such reports should be made available to the governing body and to all students.**

A list of the external organisations to which Anglia Ruskin Students' Union is affiliated and details of subscriptions, fees and donations paid to such organisations is included in the annual report and accounts of Anglia Ruskin Students' Union.

- (l) there should be procedures for the review of affiliations to external organisations under which –**

**(i) the current list of affiliations is submitted for approval by members annually or more frequently, and (ii) at such intervals of not more than a year as the governing body may determine, a requisition may be made by such proportion of members (not exceeding 5 per cent) as the governing body may determine, that the question of continued affiliation to any particular organisation be decided upon by a secret ballot in which all members are entitled to vote;**

Anglia Ruskin Students' Union provides a current list of affiliations for approval by members at its Annual General Meeting.

If a proportion of 5% or more of the membership of Anglia Ruskin Students' Union sought to have determined by secret ballot the question of whether Anglia Ruskin Students' Union should continue to be affiliated to any particular organisation and was not able to achieve that result through operation of the Articles of Association and Bye-Laws of Anglia Ruskin Students' Union, the Board would seek to persuade Anglia Ruskin Students' Union, so far as was consistent with the provisions of Companies Act 2006, to have the matter raised at a general meeting.

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

The Board has approved a written complaints procedure, a copy of which is available upon request.

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

The complaints procedure agreed by the Board provides for complaints to be dealt with promptly, fairly and with an effective remedy where appropriate.

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Rules, Regulations & Procedures for Students

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