

ual:

**University of the Arts London
Application Guidance and Regulations for the
Award of the University's Degrees of Master of
Philosophy and Doctor of Philosophy on the
basis of Published Work**

CONTENTS

| | <i>Page</i> | |
|----------|---|-----------|
| 1 | <u>Principles</u> | 2 |
| 1.1 | Comparability of Academic Standards | |
| 1.2 | Principle of the Awards | |
| 1.4 | Definition of Published Work | |
| 1.7 | Research Collaboration | |
| 1.8 | Currency of Publications | |
| 1.9 | Declaration by Candidate | |
| 1.10 | Submission in English | |
| 2 | <u>Eligibility</u> | 3 |
| 2.1 | Entry Requirements | |
| 3 | <u>Procedures for Application and Registration</u> | 4 |
| 3.1 | Application: the <i>Prima Facie</i> Stage | |
| 3.2 | Registration | |
| 4 | <u>Submission</u> | 6 |
| 4.1 | For an MPhil Award | |
| 4.2 | For a PhD Award | |
| 5 | <u>Examination</u> | 8 |
| 6 | <u>Grievances and Complaints</u> | 15 |
| 7 | <u>Appeals</u> | 18 |
| 8 | <u>Disciplinary Code for Students</u> | 25 |

Regulations for the Award of the University's Degrees of Master of Philosophy and Doctor of Philosophy on the basis of Published Work

1 PRINCIPLES

Comparability of Academic Standards

- 1.1 The University will ensure that its awards for the degrees of Master of Philosophy and Doctor of Philosophy on the basis of Published Work are comparable in standard with those conferred throughout higher education in the United Kingdom and consistent with the QAA Framework for Higher Education Qualifications.

Principle of the Awards

- 1.2 An MPhil degree by Published Work is awarded to a candidate who, having already published work that has demonstrated an understanding of research methods appropriate to the field and a distinct contribution to scholarship, defends that same published work and its critical appraisal, to the satisfaction of the examiners. The submission must be made up of the candidate's published work undertaken prior to enrolment for the degree.
- 1.3 A PhD by Published Work is awarded to a candidate who, having already published work that has demonstrated an understanding of research methods appropriate to the field and the creation and interpretation of new knowledge through original research or other advanced scholarship, defends that same published work and its critical appraisal, to the satisfaction of the examiners. The submission must be made up of the candidate's published work undertaken prior to enrolment for the degree.

Definition of Published Work

- 1.4 For the purpose of these regulations "published work" shall refer to papers, chapters, monographs, books, scholarly editions of a text, edited collections of essays or other materials, software and creative work (including fine art, design, architecture, music, or performance) or other original artefacts. The precise selection of work undertaken by the candidate will depend upon the discipline concerned.
- 1.5 For the purpose of these regulations, a work shall be regarded as published only if it, or a record of it, is publicly available and traceable through catalogues, abstracts, citation indices or equivalent sources of information. This will normally require the work, or a record of the work, to be publicly registered with an ISSN/ISBN number or equivalent, such as a publicly available archive of a gallery, performance space or other venue. Electronic publications (with ISSN/ISBN) may be included but candidates must provide evidence that they will continue to be publicly available for the foreseeable future in their present form and that they are of demonstrable quality and impact. Material which is unpublished or which has only a restricted circulation is not acceptable in whole or partial fulfilment of the requirements for this degree. Work submitted for consideration should normally include a very substantial proportion of peer-reviewed work.
- 1.6 Any work which is about to be included in a submission for any other Higher Degree in any University, whether successful or unsuccessful, is not admissible in whole or partial fulfilment of the requirements for this degree.

Research Collaboration

- 1.7 Where any work submitted for the degree has been written or created in collaboration with others, a clear statement as to the nature and extent of the relative contributions of such persons must be included as part of the application. The candidate must seek confirmation of this from co-authors or co-researchers and provide written evidence of such confirmation to the satisfaction of the University Research Degrees Sub-Committee as part of their *prima facie* case.

Currency of Publications

- 1.8 The work submitted for the degree shall normally have been published/publicly disseminated within the last ten years and should demonstrate a continuing record of publication, normally within the last two years.

Declaration by Candidate

- 1.9 The publications shall not have been submitted by the candidate for a research degree of any other institution and a declaration to this effect must be submitted by the candidate at the time of application for registration.

Submission in English

- 1.10 Candidates must present and defend the submitted work in English unless the prior permission of the Research Degrees Sub-Committee has been given. Permission to present and defend a thesis in a language other than English shall normally only be given if the subject matter of the thesis involves language and related studies. Where the published works are in a language other than English, the Research Degrees Committee may require a certified translation to be provided at the candidate's expense.

2 ELIGIBILITY

2.1 Entry Requirements

A candidate for the degree of MPhil or PhD by Published Work shall normally hold at least:

- a) a first or upper second class honours degree of a UK University (or a qualification which is regarded by the Research Degrees Sub-Committee (RDSC) as equivalent to such an honours degree),

or

- b) any other appropriate equivalent qualification, other than those in paragraph 2.1(a), awarded as a result of studies carried out with not less than five years' relevant professional experience.

3 PROCEDURES FOR APPLICATION AND REGISTRATION

3.1 Application: the *Prima Facie* Stage

3.1.1 Candidates may apply to register for the award of the degree at any time during the academic year.

3.1.2 In order to establish a *prima facie* case the candidate shall submit an application in writing to the University Research Management and Administration department, which shall include the following:

- a) A list of the published works on which the application for registration is based, including ISSN/ISBN numbers, page references, publishers, journal titles and other identifiers of those publications or a full list of works intended for the portfolio of creative work with dates and venues/places of their public dissemination, URL's, and documentation of three of these creative works.
- b) A summary, not normally exceeding 1,000 words, of the contribution to knowledge represented by the published work and its appropriate historical, critical and theoretical context; indicating how the work constitutes a coherent study.
- c) A statement by the applicant identifying where, when and over what period the research contributing to the published works was undertaken.
- d) Evidence of at least five years (PhD) or three years (MPhil) professional experience and other appropriate qualifications, including a full curriculum vitae (C.V.).
- e) A signed statement by the applicant indicating the extent of the contribution by other collaborating researchers; with reference to the contribution to design, analysis, conduct of the research and writing up/creation of the publication.
- f) A signed declaration by the applicant that the work submitted in whole or in part has not been submitted for a research degree at any other University.
- g) A consideration of the research ethics dimension of the published work.
- h) A nomination of a college of the University to host your study.

3.1.3 The University Research Management and Administration department will forward the application to the Chair of the University's Research Degrees Sub-Committee, the Dean of Research or their nominee, who will consider whether the application should be reviewed by Research Management Group (RMG). RMG shall be responsible for deciding the eligibility of the application against the criteria as set out in 1.2–1.9 and 2.1 above and, if so, will action the Dean of Research or an appropriate alternative to convene a panel to review the *prima facie* case, interview the candidate and consider whether a full application to the Research Ethics Committee must be completed.

3.1.4 The panel will normally comprise:

- a) the Dean of Research (who will act as Chair of the panel), or an appropriate alternate from the College or University
- b) a member of high standing, external to the University, with appropriate knowledge in the field of the submission; the external will subsequently be eligible to act as external examiner for the degree, if requested
- c) the potential Director of Studies
- d) a further, independent, internal member of staff in the relevant discipline

3.1.5 The panel will meet and recommend one of the following:

- a) that the candidate is registered to the MPhil/PhD by Published Work route of the research degree programme
- b) that the candidate is not registered to the research degree programme
- c) that the candidate is not registered to the research degree programme based on the application but their advice is that, with further publications or works in the portfolio, they should be encouraged to re-apply at a later stage (not normally within two years of the initial application)

3.1.6 The panel's recommendations will be forwarded to the University RDSC with a report which should include:

- a) a brief summary of the grounds for supporting or rejecting the application; and, for recommendations supporting the application for registration:
- b) nomination of the supervisory team and registering college (normally that of the Director of Studies);

The University RDSC will, on the basis of the submitted report, decide whether to approve registration for either MPhil or PhD by Published Work

3.1.7 The supervisory team will normally comprise a Director of Studies and a second supervisor. RDSC will ensure that the supervisory team is experienced in the supervision of Higher Degrees. Supervisory teams for candidates for the MPhil/PhD by Published Work route will only include supervisors who have supervised at least two Higher Degrees to successful completion. The role of the Director of Studies is:

- a) to guide and support the candidate through the various stages of the process
- b) to provide advice and feedback to the candidate on writing the critical appraisal
- c) to provide advice to the candidate on preparing for the oral examination
- d) to apply to URDSC for approval of examination arrangements no later than five months before the submission
- e) to be present at the oral examination, subject to the agreement of the candidate

3.1.8 Candidates who do not pass the *prima facie* stage will be given feedback on their application by the Chair of the panel.

3.2 Registration

3.2.1 Candidates whose application has been approved, as above, will be registered for either an MPhil or a PhD award as soon as possible after approval.

3.2.2 Once registered, the submission for the degree of MPhil or PhD by Published Work will normally be completed within one calendar year.

3.2.3 The maximum time allowed after registration shall be two years. It is expected that candidates will be able to submit after one year. After two years, the registration period expires and the candidate will have to re-register for the award. Any re-registration will incur additional fees.

4 SUBMISSION

- 4.1 The submission shall be made up, as appropriate, of a collection of books, articles, chapters, reports and/or other creative works and artefacts, which together form a coherent contribution to research. A work is normally regarded as published only if it is traceable through ordinary catalogues, abstracts or citation notices, and copies are available to the general public. This will normally require the work, or a record of the work, to be publicly registered with an ISSN/ISBN number or equivalent, such as a publicly available archive of a gallery, performance space or other venue.
- 4.2 Work submitted for consideration should include a very substantial proportion of peer-reviewed work. As a general guide, there should normally be a minimum of three - six substantial papers in refereed journals or equivalent. Conference papers, unless published in full, are not acceptable. Electronic publications (with ISSN/ISBN) may be included but candidates must provide evidence that they will continue to be publicly available for the foreseeable future in their present form and that they are of demonstrable quality and impact.
- 4.3 The portfolio of creative work may be presented in its material or visual reality. The work may take the form of objects, images, environments, architectural structures, performances, texts, virtual or conceptual works, software or designs, of any of these, or any comparable form. The portfolio may include work of an interdisciplinary character when the predominant discipline is fine art, design or architecture.
- 4.4 The body of original work shall be documented by photographic or other visual process together with any necessary textual material, including labels or notes of explanation written in English. The documentation must be in permanent retrievable form.
- 4.5 The candidate shall submit to the University's Research Management and Administration department one set of documentation (hereafter referred to as the thesis) for each appointed examiner and one spare copy. Each copy shall include:

For an MPhil Award:

- a) an abstract of approximately 300 words bound into the written text on the page following the title page, which shall provide a synopsis of the thesis, stating the nature and scope of the work presented and its contribution to scholarship in the subject.
- b) a curriculum vitae.
- c) a critical appraisal, circa 10,000 words of the cited published works, which should normally include the following:
 - a summary of each publication submitted in the context of existing literature/work in the field of study
 - an outline of their interrelationship, including a synthesis of the work as demonstrated by the publications as a coherent study
 - a comment on the standing of any journals/galleries/venues and the receptions of the publications as indicated by citations or reviews
 - a summary of the aims, objectives, methodology, results and conclusions covered by the submitted work
 - a critical reflection of the research methodology and methods
 - a critical review of the contribution the work makes to scholarship in the academic field in question;
- d) any references and a bibliography.

- e) all appendices.
- f) an off-print or high quality photocopy of all the published creative or scholarly works cited in the application, giving proof of authenticity. In the case of creative work, the representation may be in other than written form (for example, video, photographic record, musical score etc.). The works shall be numbered and correspond with the list cited in the application. No additional works shall normally be included.
- g) the statements and declaration referred to in paragraph 3.1.2 (e) and (f) completed on the Student Declaration Form.

For a PhD Award:

- a) an abstract of approximately 300 words bound into the written text on the page following the title page, which shall provide a synopsis of the thesis, stating the nature and scope of the work presented and its contribution to knowledge in the subject.
 - b) a curriculum vitae.
 - c) a critical appraisal, circa 20,000 words of the cited published works, which should include the following:
 - a summary of each publication submitted in the context of existing literature/work in the field of study.
 - an outline of their interrelationship, including a synthesis of the work as demonstrated by the publications as a coherent study.
 - a comment on the standing of any journals/galleries/venues and the receptions of the publications as indicated by citations or reviews.
 - a summary of the aims, objectives, methodology, results and conclusions covered by the submitted work.
 - a critical reflection of the research methodology and methods.
 - a critical review of the significant and original contribution the work makes to the academic field in question, a demonstration of the original and independent contribution to knowledge and a rationale to prove at least equivalence to that normally demonstrated by the submission of a thesis.
 - d) any references and a bibliography.
 - e) all appendices.
 - f) an off-print or high quality photocopy of all the published creative or scholarly works cited in the application giving proof of authenticity. In the case of creative work, the representation may be in other than written form (for example, video, photographic record, musical score etc.) The works shall be numbered and correspond with the list cited in the application. No additional works shall normally be included.
 - g) the statements and declaration referred to in paragraph 3.1.2 (e) and (f) completed on the Student Declaration Form.
- 4.6 The length of the written part of the thesis will exclude footnotes, appendices and the bibliography.
- 4.7 The student shall ensure that the format and binding of the thesis is in accordance with the requirements prescribed by the Research Degrees Sub-Committee (see Research Degrees Handbook & Regulations, Appendix 1).
- 4.8 The submission of the thesis for examination shall be at the sole discretion of the candidate. While a candidate would be unwise to submit the thesis for examination against the advice of the supervisors, it is the candidate's right to do so. Candidates should not assume that a supervisor's agreement to the submission of a thesis guarantees the award of the degree.

5 EXAMINATION

- 5.1 The arrangements for the conduct of the examination shall be in accordance with the procedures set out in the University's Research Degrees Regulations.
- 5.2 The Research Degrees Sub-Committee shall appoint the examiners and the Chair of the examination. The Director of Studies shall propose the examiners to the Committee for approval at least five months before the expected date of the examination. The examination shall not take place until the examiners have been appointed by the Committee. The candidate shall take no part in the proposal or appointment of examiners and shall have no formal contact with the examiners after their appointment apart from the viva voce.
- 5.3 A candidate shall normally be examined by a team of two external examiners and one independent internal examiner. Internal and external examiners should not be related to or have a close personal, professional or contractual relationship with the candidate, the supervisors or other members of the examining panel.
- 5.4 An external examiner shall be independent of the University of the Arts London or collaborating establishment and shall not have acted previously as the candidate's supervisor, advisor or independent assessor on a transfer panel. An external examiner shall normally not be either a supervisor of another student at the University of the Arts London or collaborating establishment. Former members of staff shall normally not be approved as external examiners until three years after the termination of their employment with the University of the Arts London.
- 5.5 An internal examiner shall be defined as an examiner who has relevant knowledge of the thesis subject area and has not been a supervisor or adviser to the candidate. If the candidate is a member of staff at UAL, the internal examiner will normally be based at a different college.
- 5.6 No student for a research degree shall act as an examiner.
- 5.7 The examination panel as a whole must have the necessary expertise and experience. Both examiners shall have examining experience for the research degree being examined (i.e. MPhil/PhD for MPhil by Published Work, PhD for PhD by Published Work). It is expected that there will be a total of at least five previously examined research degrees within the panel excluding the Chair, although allowances can exceptionally be made in subject areas where there is little history of research degree activity.
- 5.8 The Research Degrees Sub-Committee shall ensure that the same external examiner is not approved so frequently that familiarity with the University of the Arts London might prejudice more objective judgement.
- 5.9 The Chair will oversee the oral examination and the Examiners' meeting(s) and ensure that the appropriate report and recommendation is passed to the Research Degrees Sub-Committee.
- 5.10 At the request of the candidate, one of the candidate's supervisors may be present at the oral examination.

- 5.11 Supervisors who are in attendance at the oral examination have the status of non-participating observer. Observers will be expected to withdraw from any part of the examination if asked to do so by the panel.
- 5.12 The candidate shall take no part in the proposal or appointment of examiners and shall have no formal contact with the external examiner(s) between the appointment of the examiners and the oral examination.
- 5.13 Where an examination cannot be held within three months of the submission of the thesis because of the unavailability of an examiner, the Research Degrees Sub-Committee may rescind the appointment of all or any of the examiners and appoint new examiners as appropriate.
- 5.14 The examination for a research degree shall have two stages:
- i) the candidate's submission of the thesis and the examiners' independent preliminary assessment of it, which will be recorded in a written report;
 - ii) the defence of the thesis by oral examination (viva voce) or University research Degrees Sub-Committee approved alternative examination. The viva voce examination should normally be completed within three months of the formal submission of the thesis for examination.
- 5.15 Students submitting a thesis that includes a body of creative work may wish to arrange a visual representation of this work for the approved examiners to view prior to the oral examination as a means of familiarising themselves with the student's practice. In this case the student will be responsible for making the practical arrangements, including liaising with the University's RMA student team to ensure that the arrangements for viewing the work suits the examining team. The normal procedure would be that the examiners view the exhibition themselves prior to viewing it with the student. However, this decision rests with the examiners.
- 5.16 The submission of the thesis for examination shall be at the sole discretion of the candidate. While a candidate would be unwise to submit the thesis for examination against the advice of the supervisors, it is the candidate's right to do so. Equally, candidates should not assume that a supervisor's agreement to the submission of a thesis guarantees the award of the degree.
- 5.17 Where for reasons of sickness, disability or comparable valid cause, the Research Degrees Sub-Committee is satisfied that the candidate would be seriously disadvantaged if required to undergo an oral examination, an alternative form of examination may be approved by the Research Degrees Sub-Committee.
- 5.18 The oral examination shall normally be held in the University of the Arts London. The location and time of the oral examination shall be determined by agreement between examiners, supervisors and the candidate within three months of receipt of thesis by examiners.
- 5.19 The Research Degrees Sub-Committee shall ensure that all examinations are conducted, and the recommendations of the examiners are presented, wholly in accordance with these regulations. In any instance where the Research Degrees Sub-Committee is made aware of a failure to comply with all the procedures of the examination process, it may declare the examination null and void and appoint new examiners.

- 5.20 The candidate should not have any contact with their nominated examiners, outside of the oral examination, during the entire examination process, i.e. from submission to final approval by the examiners.
- 5.21 An examination for an MPhil by Published Work should reflect the same standards as those that operate for an MPhil based on supervised work.
In examining the candidates' thesis, the examiners will be required to:
- a) evaluate the quality of the candidate's cited published work
 - b) establish if a satisfactory case is made for coherence between the publications
 - c) assess the contribution to scholarship represented by the publications and made apparent by the critical appraisal
 - d) evaluate the rigour with which the candidate has contextualised and analysed his/her published work in the critical appraisal
 - e) evaluate the methodologies by which the research was conducted
 - f) establish the candidate's 'ownership' of the published work and understanding of the state of knowledge within the candidate's research area
 - g) assess the candidates contribution to the research embodied in multi-authored works and establish the "ownership" of the published work
 - h) assess the candidate's interpersonal skills through his/her ability to defend the submission
- 5.22 An examination for a PhD by Published Work should reflect the same standards as those that operate for a PhD based on supervised work.
In examining the candidates' thesis, the examiners will be required to:
- a) evaluate the quality of the candidate's cited published work
 - b) establish if a satisfactory case is made for coherence between the publications
 - c) assess the contribution to knowledge represented by the publications and made apparent by the critical appraisal
 - d) evaluate the rigour with which the candidate has contextualised and analysed his/her published work in the critical appraisal
 - e) evaluate the methodologies by which the research was conducted
 - f) establish the candidate's 'ownership' of the published work and understanding of the state of knowledge within the candidate's research area
 - g) assess the candidates contribution to the research embodied in multi-authored works and establish the "ownership" of the published work
 - h) assess the candidate's interpersonal skills through his/her ability to defend the submission

Procedures for the oral examination

5.23 Arrangements for the oral examination

- 5.23.1 When the thesis has been submitted, the RMA Student Team will arrange a mutually convenient time and place for the oral examination with the Chair, the examiners, the candidate and the observer.
- 5.23.2 The examiners must each submit a written preliminary report on the thesis, normally at least five working days before the oral examination. The report shall consist of a brief indication of the examiner's view of i) the likely outcome ii) the nature of the corrections (if any) iii) whether

the oral examination should go ahead.

5.23.3 Where the examiners are of the opinion that the thesis is so unsatisfactory that no useful purpose would be served by conducting an oral examination, they can recommend that the oral examination is postponed and return the thesis for further work and resubmission. They should normally do this at least five working days before the oral examination. In such a case the examiners shall provide the Research Degrees Sub-Committee with written guidance for the candidate concerning the deficiencies of the thesis. This will be considered the first examination and the candidate will have one more opportunity to submit the thesis for examination.

5.23.4 The examiners should not recommend that the candidate fail outright without holding an oral examination or other alternative examination, as agreed by Research Degrees Sub-Committee.

5.23.4 On the day of the oral examination, the Chair and the examiners should meet before the examination to agree on the structure of the questioning.

5.24 Conduct of the oral examination

5.24.1 The oral examination should cover all aspects of the thesis, in particular the points selected by the examiners at their preliminary meeting. The candidate should be given an opportunity to comment on any adverse points and on any amendments of substance that examiners are intending to recommend. Examiners may sometimes want to indicate their initial opinion of the thesis at the beginning of the oral examination, so that the candidate has the opportunity to challenge it. The examiners should satisfy themselves that the thesis is the candidate's own original work.

5.24.2 The oral examination may include the inspection of practical work, demonstration of software, viewing original data, or any other reasonable request from the examiners. The examiners should make such requests in advance to the candidate. Equally, the candidate may offer some form of practical introduction; again, such an offer should be made in advance.

5.24.3 The candidate may bring an annotated copy of the thesis and any other source materials to the oral examination. The duration of the oral will vary according to the nature of the thesis, the size of the panel and so on. It is expected to take two to three hours.

5.25 Following the oral examination.

5.25.1 Directly following the oral examination, with the Chair's guidance, the examining panel should complete and sign the Examiners' Joint Final Report form indicating the panel's agreed recommendation from the options indicated at 5.25.2 of these regulations. The examiners' report will then be submitted to the RMA student section to forward to the URDC for consideration. The report should be sufficiently detailed to enable the Research Degrees Sub-Committee to reach a well-founded decision. Where the examiners are not in agreement, separate reports and recommendations should be submitted.

5.25.2 The examiners may recommend that:

- i) the candidate should be awarded the degree unconditionally.
- ii) the candidate should be awarded the degree subject to minor amendments to the thesis

to be completed, normally within one month to the satisfaction of the internal and/or external examiner (to be agreed by the examiners at the time of examination). Minor amendments can be required to the abstract and critical appraisal but not to the published works. In this case the examiners shall provide in writing for communication to the candidate by the Research Management and Administration department a list of the minor amendments and corrections required.

- iii) the candidate should not be awarded the degree but be permitted to re-submit the thesis in revised form and be re-examined, with or without an oral examination, within a period of time specified by the Research Degrees Sub-Committee which shall normally be six months from the date of the latest part of the first examination. Resubmission can require rewriting the abstract and critical appraisal but not amendments to the published works. The examiners should recommend resubmission only if there is sufficient evidence of original work and if the amount of further work to be undertaken is not so substantial as to constitute a new thesis. One such re-examination only is permitted.
- iv) in the case of a PhD examination, the candidate should not be awarded the degree of PhD, but be awarded the degree of MPhil subject to all the criteria for the award of MPhil being met and the presentation of the thesis being amended to the satisfaction of the examiners.
- v) the candidate should not be awarded any degree and should not be permitted to re-submit the thesis. In this case the examiners shall prepare an agreed general statement of the deficiencies of the thesis and the reason for their recommendation, which shall be submitted, to the Research Management and Administration department for transmission to the Research Degrees Sub-Committee and to the candidate.

5.25.3 Where the examiners are not able to agree a joint report, separate reports and recommendations should be submitted by each examiner. In this case the University Research Degrees Sub-Committee may:

- i) accept a majority recommendation, provided that this majority includes at least one external examiner; or
- ii) require the appointment of an additional external examiner. Following this appointment there should be one re-examination only.

5.25.4 All examiner's reports (joint or otherwise) are subject to the approval by the University Research Degrees Sub-Committee.

5.25.5 Normally the panel will inform the candidate of its recommendation on the same day as the oral examination.

5.26 Outcomes of the examination

5.26.1 Unconditional Award

In the case of recommendation 5.25.2i above, the award of PhD by Published Work will be confirmed once the candidate has submitted one hard-bound copy of the thesis, a digital copy of the thesis, the final thesis submission form, a copy of the candidate's passport and has resolved any outstanding debts to the University.

5.26.2 Minor amendments

- i) In the case of recommendation 5.25.2ii above, the examiners shall jointly provide the list of the corrections and minor amendments that are required. The candidate is then

required to complete these amendments within a month of official notification by the Research Management and Administration department and return the thesis to that office. Once the revised thesis is submitted the nominated examiner/s will be required to check the amended thesis and confirm whether or not they approve the award of the research degree.

- ii) If the award is confirmed the procedure outlined at 5.26.1 will apply.
- iii) If the amended thesis is not approved by the examiner/s, the examiner's comments will be reviewed by the University Research Degrees Sub-Committee.

5.26.3 Resubmission

- i) In the case of recommendation 5.25.2iii above, the examiners shall jointly provide the candidate with written guidance on the deficiencies of the thesis. The form of the re-examination (with or without a second oral examination) shall be indicated in the examiners' joint report. The re-examination, subject to the provisions of these Regulations, shall cover those aspects of the first examination in which the thesis was not satisfactory and may cover any new or amended material included in the resubmitted thesis.
- ii) Once the candidate's revised thesis is submitted, the nominated examiner/s will be required to re-examine the thesis (with or without a second oral examination) and make a recommendation using one of the options identified at 5.25.2 except that of a further resubmission (5.25.iii).
- iii) If the award is confirmed the procedure outlined at 5.26.1 will apply.
- iv) If the amended thesis is not approved by the examiner/s, the examiner's comments will be reviewed by the University Research Degrees Sub-Committee.

5.26.4 Recommendation of the Award of MPhil (PhD by Published Work candidates only)

- i) In the case of recommendation 5.25.2iv above, the examiners shall jointly:
 - explain briefly in the joint final report why they consider that the thesis could not be revised to meet the criteria for the award of PhD by Published Work.
 - confirm that the thesis (subject to any specified correction of amendment) fully meets the criteria for the recommended award of MPhil by Published Work.
- ii) If approved by the University Research Degrees Sub-Committee Research Management and Administration will inform the candidate of the examiner's recommendations and required amendments, along with the deadline.
- iii) Once the revised thesis is submitted the nominated examiner/s will be required to check the amended thesis and confirm whether or not they approve the award of MPhil by Published Work.
- iv) If the award is confirmed the procedure outlined at 5.26.1 will apply.
- v) If the amended thesis is not approved by the examiner/s, the examiner's comments will be reviewed by the University Research Degrees Sub-Committee.

5.26.5 Non-award

- i) In the case of recommendation 5.25.2v above, where the examiners recommend that a degree of an MPhil or a PhD by Published Work be not awarded, the candidate may not resubmit for a research degree by published work within a period of three years from the date of the original examination. Any further submission must include evidence of additional work.

5.27 Plagiarism

Plagiarism is defined as stealing another person's ideas and using them as though they were your own. These ideas may be expressed as writing, computer software or as artefacts, e.g. original artwork, designs, film or CD ROM design.

It is also plagiarism if you do not acknowledge the co-operation of another individual who works with you or gives you permission to use their work.

If there is evidence of plagiarism in the preparation of the thesis or if evidence comes to light after the examiners have made their recommendation, action will be taken in accordance with the University of the Arts London's Disciplinary Code for Students (outlined in Section 8 of this document).

5.28 Posthumous awards

A research degree by published work may be awarded posthumously on the basis of a thesis prepared by a candidate which is ready for submission for examination. In such cases evidence shall be provided that the candidate would have been likely to have been successful had the oral examination taken place.

5.29 Conferment of the Award

The University Research Degrees Sub-Committee (or the Chair acting on behalf of the Committee) shall receive the reports and recommendations of the examiners and shall, if appropriate, endorse the decision to confer the award. The power to confer the award shall rest with the Research Degrees Sub-Committee.

6 GRIEVANCES AND COMPLAINTS

6.1 The University provides all students with a Charter that sets out the rights and responsibilities of students following a course of study at the University. In accordance with the Charter, all students are supplied with copies of the University's general regulations on grievance procedures, which relate to non-academic matters; complaints, which relate to academic matters; and appeals, which relate to assessments. These can be found on the intranet. The following complaints procedures are intended for academic related issues that specifically relate to research students.

6.2 Grievances

The following issues which may give rise to complaint by a research degree student(s) are covered in University's general regulations on grievance procedures, referred to above:

- assault or serious or threatening behaviour
- sexual harassment
- racist activity or behaviour
- abusive or unreasonable behaviour
- any action likely to cause injury or impair the safety of the student
- unacceptable social behaviour

6.3 Complaints

The complaints procedures below are intended for those issues which may give rise to complaint, relating to matters specifically pertaining to research degree students such as:

- inadequate supervision*
- loss of or undue delay in the return of work*
- non-availability of essential equipment or resources necessary to complete work*
- plagiarism of the student's research
- unauthorised disclosure of confidential information to a third party
- appeal against assessment outcome (see section 7 of the regulations)
- maladministration*

* In this case, other than in exceptional circumstances, it is expected that a formal complaint would not be made on the basis of an isolated incident but that there would be evidence of a continuing problem before the complaint was pursued.

6.3.1 Informal procedure

Students are encouraged first of all to raise complaints informally with their Director of Studies (or with the Associate Dean of Research of the College within which she/he is located if the complaint relates to the Director of Studies). If the Director of Studies is the Associate Dean of Research, complaints should be raised informally with the Dean of Research.

6.3.2 The Director of Studies (or alternative as stated at 6.3.1) should record the nature of the complaint and attempt to resolve it to the satisfaction of all parties involved, noting any actions taken, normally within two weeks. In many cases it will be possible to resolve the issues amicably at this stage.

6.3.3 The formal procedures should normally only be used either where the complaint is so serious as to make it inappropriate to deal with it at an informal level or where informal action at the departmental level has failed to resolve the issue to the satisfaction of the student.

6.5 Formal procedures

Stage 1

6.5.1 Any formal complaint shall be made in writing and addressed to the Chair of the Research Degrees Sub-Committee. If the complaint relates to the Chair, the complaint shall be addressed to the Deputy Vice Chancellor, Academic who shall ask an appropriate member of the Committee to act on the Chair's behalf. Hereinafter, references to the Chair shall also be read to include a member acting on his/her behalf.

6.5.2 The Chair shall copy the complaint to the student's Director of Studies, any staff member(s) against whom the complaint is made or who is responsible for taking action to redress it (hereinafter referred to as the member(s) of staff directly involved), the Secretary of the Committee, and the Associate Dean of Research of the College in which the student is located. If the complaint relates to the Associate Dean of Research or other senior staff, it shall be copied to the Head of College. If the complaint relates to the Head of College, it shall be copied to the Deputy Vice Chancellor, Academic.

6.5.3 Any member(s) of staff directly involved shall have the opportunity to respond to the complaint in writing, normally within ten working days of receipt of notification.

6.5.4 The Chair, in consultation with the Associate Dean of Research (or Head of College as appropriate), shall take such steps as are necessary, including taking written evidence, to establish and clarify the nature of the complaint. This may include consultation with other members of the Committee. The Chair and Associate Dean of Research (or Head of College as appropriate) may determine:

- i that the complaint is inappropriate within the grievance procedure and should be dismissed
- ii that the complaint might be resolved amicably, in which case they shall endeavour to do so
- iii that the complaint be upheld
- iv that the complaint highlights issues which they feel unable to resolve or raises issues of principle or interpretation of the procedures, in which case the complaint shall be referred to Stage 2

6.5.5 If the decision is that the complaint be upheld, the Chair shall recommend to the Research Degrees Sub-Committee and/or Head of College as appropriate the action to be taken. This may include, inter alia:

- i that appropriate supervision be provided (this may involve changing the student's supervisory arrangements)
- ii that relevant equipment/resources be provided
- iii that the focus of the project be reviewed
- iv that the University of the Arts London take appropriate action in respect of the member(s) of staff directly involved

6.5.6 The Chair shall make the conclusions known in writing to the student, normally within one month of receiving the written complaint. The conclusions shall be copied to the Secretary

of the Committee, the student's Director of Studies and any members(s) of staff directly involved.

Stage 2

- 6.5.7 Head of College shall set up a panel to consider the complaint, normally within one month of receiving notification of appeal or of referral to Stage 2 under 6.5.4iv above. If the complaint relates to the Head of College or Central Service, this shall be addressed to the Deputy Vice Chancellor, Academic. Hereinafter, references to the Head of College shall also be read to include the Deputy Vice Chancellor, Academic in appropriate cases. The Head of College shall notify the Chair and Secretary of the Committee, the student, any member(s) of staff directly involved, and the student's Director of Studies that the complaint has been referred to Stage 2.
- 6.5.8 The Panel shall consist of the Head of College, two student representatives nominated by the Students' Union and two members of staff nominated by the Head of College. At least one staff representative shall be nominated from among the members of the Research Degrees Sub-Committee. The Head of College shall make every effort to ensure that membership of the Panel is acceptable to both the student and any member(s) of staff directly involved.
- 6.5.9 The Panel shall be chaired by the Head of College. In advance of meeting, the Panel shall receive copies of the grievance, any statement made in rebuttal by any member(s) of staff directly involved, the conclusions of Stage 1 against which the appeal has been lodged (if applicable), the reasons for the appeal (in writing), and any other evidence submitted in writing by the student or any members(s) of staff directly involved. All papers submitted to the Panel shall be made available to the student and to any member(s) of staff directly involved.
- 6.5.10 The Panel shall determine its own procedures, but it shall normally hear all parties in person (although any party may be accompanied by a friend, such as a member of staff or student of the Sponsoring Establishment or an accredited Trade Union officer or a legal adviser, who may speak for them). All evidence shall be presented through the Chair and examination of witnesses shall be through members of the panel.
- 6.5.11 Where a grievance has been referred direct to Stage 2, the Panel has open to it all the options listed above. Where the Panel is hearing an appeal against a decision taken at Stage 1, it may in addition determine:
- I that the appeal is inappropriate within the grievance procedure, or is frivolous or mischievous and should be dismissed.
 - li that the issue might be resolved amicably, in which case the Chair shall initiate such conciliation as seems appropriate.
 - iii that the decision of Stage 1 be upheld.
- 6.5.12 The Panel shall make known its findings in writing to the student, any staff member(s) directly involved, the Students Union and the Chair and Secretary of the Committee, normally within ten working days of the hearing. If conciliation was recommended by the Panel, the Chair shall endeavour to take appropriate action within one month of the notification of the outcome of the Panel.

7 APPEALS

Right of appeal

- 7.1 A student has the right to appeal the following decisions:
- i. withdrawal from the programme of research before it has been completed on the grounds of unsatisfactory progress
 - ii. the degree outcome at examination

7.2 If a student wishes to appeal on the basis of withdrawal from the programme of research the Research Appeals Procedure will be followed (see 7.4 – 7.8 below).

7.3 If a student wishes to appeal on the basis of the outcome of Examination, the standard University Appeals Procedure will be followed (see 7.10 below).

Research Appeals Procedure

7.4 This procedure is to be used by the student when making an appeal against a decision, by the University Research Degrees Sub-Committee, to withdraw them from the programme of research before it has been completed on the grounds of unsatisfactory progress.

7.5 Appeals against this decision are permitted only on the following grounds:

- i. that there are facts which for valid reasons were not known to the University Research Degrees Sub-Committee which might, prima facia, have led to a different decision
- ii. that there is evidence of material irregularity in the process by which a decision was reached, or in the conduct of the University Research Degrees Sub-Committee, such as to suggest that, in the absence of such irregularity, the result would have been different. A material irregularity may have occurred if there has been significant procedural or organisational irregularities in the conduct of the committee; incorrect information was provided to the committee or there is evidence of unfair or improper assessment by the committee.

7.6 Principles

- i. Candidates must submit the initial appeal to the University within one month of being formally notified of a decision by the University Research Degrees Sub-Committee.
- ii. Appeals must be submitted in writing to the Research Management and Administration department and be addressed to the Chair of Research Standards and Development Committee. At this stage the student must state fully the grounds of the appeal in relation to the grounds detailed in Point 7.5 above.
- iii. Alleged inadequacy of supervision does not constitute grounds for appeal because there are procedures for complaint and grievance during study.
- iv. Students may not appeal on the basis of disagreement with the academic judgement of the University research Degrees Committee.

There are two stages to the procedure for appeals against the result of assessment outcome.

7.7 Stage One of the Appeal procedure

7.7.1 The first stage of the appeal process is conducted by the Chair of the University Research Standards and Development Committee (RSDC)

7.7.2 Following the receipt of a Stage One appeal, the Chair of RSDC will consult the appropriate people involved, who will be asked to submit comments in a form that can be made available to the student if the appeal goes to Stage 2.

7.7.3 Appellants have no right of personal hearing at Stage One.

7.7.4 The Chair of RSDC will decide:

- i. to uphold the appeal, and overturn the University Research Degrees Sub-Committee's decision, or
- ii. to reject the appeal and uphold the University Research Degree Sub-Committee's decision to withdraw the student.

7.7.5 The Research Management and Administration department will write to inform the appellant of the outcome of the first stage appeal, not later than ten working days after the decision has been reached.

7.7.6 Appellants, who wish to appeal a decision made by the Chair of RSDC at Stage One, must submit their Stage Two appeal within ten working days of receiving formal notification. This request must be made in writing to the Research Management and Administration department and addressed to the Deputy Vice-Chancellor, Academic. The appellant must also state fully the grounds of the appeal.

7.8 Stage Two of the Appeal Procedure

7.8.1 The second stage of the appeal procedure is conducted by the Deputy Vice-Chancellor, Academic.

7.8.2 Following the receipt of a Stage Two Appeal, the Deputy Vice-Chancellor, Academic will consult the appropriate people involved or receive such information from the Stage One procedure. Those consulted will be asked to submit comments in a form that can be made available to the appellant.

7.8.3 The appellant may be assisted in the second stage appeal process by a nominated friend. The Deputy Vice-Chancellor, Academic will sit with one appropriately qualified external researcher and one other senior researcher from within the University.

7.8.4 The Deputy Vice-Chancellor, Academic will either:

- i. uphold the appeal and change the decision of Research Degrees Sub-Committee, or
- ii. if there is clear evidence of material irregularity, refer the decision for re-consideration by the URDSC, or
- iii. reinstate the appellant's registration while the decision is formally reassessed, in which case conditions should be stipulated to assess the appellant's progress
- iv. reject the appeal and uphold the Research Degree Sub-Committee's decision; if so the appellant will be informed, in general terms, of the reason(s) for rejecting the appeal

The decision of the Deputy Vice-Chancellor, Academic is final.

- 7.8.5 The University will write to inform the appellant of the outcome of the appeal not later than twenty working days after the decision has been reached.
- 7.8.6 Once the University's appeals procedure is completed, the appellant has a right to submit a complaint to the Office of the Independent Adjudicator, <http://www.oiahe.org.uk/>, which must be submitted within three months of the University's final decision.
- 7.9 Office of the Independent Adjudicator
Appellants who remain unsatisfied with the outcome of their appeal may consider taking their case to the Office of the Independent Adjudicator. This action may not be taken until the full internal University procedures have been completed. The University's Governance and Legal Affairs Office can advise on the procedure to follow when taking a case to the Office of the Independent Adjudicator.

University Appeals procedure

- 7.10 This procedure is to be used if the candidate wishes to appeal on the basis of the outcome of Examination.
- 7.11 The University has clear procedures for dealing with student appeals which form part of its quality assurance system and reflect current best practice. The procedures governing appeals against assessment outcomes, are treated seriously without negatively affecting student rights or impartial judgement on academic progress.
- 7.12 Appeals may be submitted within the boundaries set by these regulations when a student believes he or she has a significant concern related to the assessment process.
- 7.13 The Regulations and Procedures are approved by the Academic Board and managed by the Office of the University Secretary and Registrar. It is the University Secretary and Registrar who has the final responsibility for the University Appeals procedure, together with the authority to make adjudication upon any questions raised by a student, the Students' Union or member of staff in relation to any aspect of the procedure.
- 7.14 A student appellant may obtain representation from the Students' Union. The Students' Union can also advise on the operation of the procedures, or in relation to any aspect associated with an appeal.
- 7.15 Disabled students who require reasonable adjustments in order to make an appeal, should contact the University Secretary and Registrar's Office directly. Reasonable adjustments will be arranged in consultation with the student, and where necessary, with the Central Disability team Mental Health Adviser or College Disability Officers. Students may be asked to provide a copy of their Needs Assessment Report in order to inform the process

The Procedure

7.16 Stage 1: Review

Grounds for requesting review of examination board decision

- 7.16.1 Requests for review of an examination board decision may be made on the grounds that:
- i) there was a material administrative error or other material irregularity in the conduct of the assessment (including accommodated assessment/reasonable adjustment for disabled students) or the application of the University's academic regulations.
 - ii) extenuating circumstances, which for valid reasons, had not been made known to the examination board which, had they been referred, might have led the examination board to reach a different decision.
 - iii) any other matter which, in all the circumstances, ought properly to be considered by a University Appeals Body in the interests of fairness.
- 7.16.2 Requests for review may not be based on the following:
- i) Disagreement with the examiner on the grounds of academic judgement, specifically, disagreements on the merit of individual assessments in relation to marks, grades or other measures of performance.
 - ii) Requests from students enrolled at another institution on a programme or course leading to a University of the Arts London award, unless:
 - a) specific provision has been made within a collaborative agreement that those students may appeal directly to the University,
 - b) the student is also enrolled at University of the Arts London on the same programme of study. Such requests should be referred by the student to the institution concerned.
 - iii) Alleged inadequacy of supervision for Research Degree Students will not normally constitute grounds for appeal, unless the student provides a valid reason for not making the issue known prior to assessment.
- 7.16.3 In exceptional circumstances a student may submit both a complaint and a separate appeal and include common issues in each which link the two together. Under these circumstances the complaint should be investigated and concluded within the timelines specified by the complaints procedures. The appeal will be processed and considered after the complaint has been investigated and concluded in order that any evidence uncovered through this more extended investigation can feed in to consideration of the appeal if appropriate.
- 7.16.4 Requests for a review of an examination board decision shall be received within 10 working days of the publication of results.
- 7.16.5 Requests will be submitted for consideration to the University Appeals Unit using form A1 and a full explanation of the reason for appealing must be included.
- 7.16.6 Following scrutiny of the request and investigation as necessary, if the University Appeals Unit considers the request for a review to be vexatious, frivolous or without substance or merit it shall have the authority to reject it summarily and inform the appellant of the decision in writing within 10 working days.

- 7.16.7 Following scrutiny of the request and investigation as necessary, if the University Appeals Unit decides that a request falls into any one or more of the above categories in section 7.16.1, then it shall write to the student informing the student of its decision within 10 working days of receipt.
- 7.17.1 The student may appeal against the University Appeals Units rejection of its request for review by writing to the University Secretary and Registrar within 10 working days. The University Secretary and Registrar may decide to overturn the University Appeals Units decision, accept the request and refer it to the Exam Board for review. If the University Secretary and Registrar upholds the University Appeals Units rejection of a request a Completion of Procedures Letter will be issued.
- 7.17.2 If the University Appeals Unit considers the request has sufficient and valid grounds, it shall forward the request to the Chair of the Examination Board, or for Research Degrees to the Chair of the Research Degrees Subcommittee. The Chair shall conduct a review of the decision and decide, in the light of the review, either to confirm the original decision or to overturn it and put in place a new decision. The review should include consultation with the full board, including external examiners where appropriate. The Academic Registrar should be consulted on matters associated with the application of the University's academic regulations. The Chair should respond to the student within 10 working days of receipt.
- 7.17.3 If the University Appeals Unit considers that a clear administrative error has been made, the matter shall be referred to the Academic Registrar who has the authority to approve a change of exam board decision on non academic matters.

Stage 2: Appeal

- 7.18.1 If the student is not satisfied with the outcome of the Stage 1 Review they may submit a Stage 2 Appeal to the University Appeals Unit within 10 working days of notification of the Stage 1 Review decision.
- 7.18.2 Stage 2 Appeals should be submitted to the University Appeals Unit using form A2 and a full explanation of the reason for appealing against the Stage 1 decision must be included. The student should include appropriate evidence in support of the appeal and the student should indicate the remedy that they assert is fair, reasonable and appropriate.
- 7.18.3 If the University Appeals Unit considers the Stage 2 Appeal to be vexatious, frivolous or without substance or merit it shall have the authority to reject it summarily and inform the appellant within 10 working days.
- 7.18.4 Otherwise the University Appeals Unit will request a response to the Stage 2 Appeal from the Chair of the Examination Board or the Chair of the Research Degrees Subcommittee on Form B2. The University Appeals Unit will consider this response together with the statement from the student appellant.
- 7.18.5 If the University Appeals Unit considers, based on the response from the Chair, that there are no grounds for further appeal it shall reject the Stage 2 Appeal and inform the student within 10 working days.
- 7.18.6 If the University Appeals Unit decides to accept the Stage 2 Appeal a University Appeals Committee meeting will be convened as soon as possible.

7.18.7 The student may appeal against the University Appeals Units rejection of its Stage 2 Appeal by writing to the University Secretary and Registrar within 10 working days of notification of the decision. The University Secretary and Registrar may decide to accept the Stage 2 Appeal and convene a University Appeals Committee meeting. If the University Secretary and Registrar upholds the University Appeals Units rejection of a Stage 2 Appeal a Completion of Procedures Letter will be issued

The University Appeals Committee

7.19.1 The membership of the University Appeals Committee shall be approved by the University Secretary and Registrar acting in his/her sole discretion. The University Secretary and Registrar has the sole discretion to exclude any member of the committee if he/she considers it fair and reasonable so to do in all the circumstances, including but not limited to any committee member who it may be perceived has too close a personal or professional relationship with the appellant or to a member of the examination board, or members from the same department, school or other area of the University as the student submitting the appeal.

7.19.2 The University Appeals Committee will consider representations of the student appellant and the Chair of the Examination Board or the Chair of the Research Degrees Subcommittee in deciding whether to accept or reject an appeal. The decision of the University Appeals Committee will be communicated to the student and the Chair of the Examination Board or the Chair of the Research Degrees Subcommittee within 10 working days of the meeting.

7.19.3 If the student is not satisfied with the decision of the University Appeals Committee they may appeal in writing to the University Secretary and Registrar. This appeal must be submitted to the University Appeals Unit within 10 working days of notification of the University Appeals Committee decision. The decision of the University Secretary and Registrar is final and will be issued in the form of a Completion of Procedures Letter.

Outcomes of the University Appeal Committee

7.20.1 The University Appeals Committee may make a decision it considers fair, reasonable and appropriate in all the circumstances of the case as follows:

- i) That the Appeal is accepted;
- ii) That the Appeal is deferred pending receipt of further relevant documentation
- iii) That the Appeal is referred to Academic Board and/or the University Secretary and Registrar
- iv) That the Appeal is rejected.

7.20.2 If the University Appeals Committee decides to accept an appeal the Chair of the Examination Board or the Chair of the Research Degrees Subcommittee will be asked to review its original decision in line with the decision and recommendation of the UAC. The Chair will be asked to carry out this review within a specified period of time which will normally be within seven working days of notification of the UAC decision. The Chair will write to the student confirming the outcome of this review. If the student is unhappy with the outcome they may submit an appeal in writing to the University Secretary and Registrar

within 10 working days. The decision of the University Secretary and Registrar is final and will be issued in the form of a Completion of Procedures Letter.

7.20.3 If the University Appeals Committee decides to reject an appeal the student may appeal against this decision to the University Secretary and Registrar within 10 working days.

7.20.4 The University Appeals Committee may also do any of the following:

- i) Annul the previous decision of the Examination Board if it is not possible to reconvene the Board. In this event the University Appeals Committee shall refer the matter to the Academic Board. Upon receiving a referral the Vice-Chancellor shall convene an Academic Board Subgroup on Student Appeals. The Academic Board Sub-group on Student Appeals shall consider the representations of the Examination Board and the University Appeals Committee in reaching a final and binding decision on the appeal.
- ii) In exceptional circumstances where the Examination Board is in disagreement with the decision or recommendations of the University Appeals Committee, the Chair of the Committee will refer the appeal to the Academic Board. Upon receiving a referral the Vice Chancellor shall convene an Academic Board Subgroup on Student Appeals. The Academic Board Sub-group on Student Appeals shall consider the representations of the Examination Board and the University Appeals Committee in reaching a final and binding decision on the appeal.
- iii) Make whatever recommendations are deemed to be necessary to the assessment process to avoid a recurrence.
- iv) For Research Degrees, request the Research Degrees Subcommittee to appoint a new examination panel and recommend a first examination

7.20.4 Upon receipt of a Completion of Procedures Letter the student may seek adjudication from the Office of the Independent Adjudicator for Higher Education.

Office of the Independent Adjudicator

7.21.1 Appellants who remain unsatisfied with the outcome of their appeal may consider taking their case to the Office of the Independent Adjudicator. This action may not be taken until the full internal University procedures have been completed. The University's Governance and Legal Affairs Office can advise on the procedure to follow when taking a case to the Office of the Independent Adjudicator.

8 DISCIPLINARY CODE FOR STUDENTS

8.1 Preamble

This code is made under Article 12.2 of the Articles of Government, approved by Academic Board on 22 June 2006. Subject to refinements, with advice from The Plain English Society

This Disciplinary Code observes the Common Law rules of Natural Justice in accordance with the Articles of the Human Right Act 1996. However, the detailed procedural requirements of the act for civil and criminal proceedings, do not apply to the application of this code.

The code applies to **all** students in respect of University activities (but not in their dealings with its subsidiary companies such as London Artscom Ltd).

Adjustments to the process may be made to accommodate students defined as having disabilities under Disability Discrimination and allied legislation.

8.2 Introduction

In each college the Deans will ensure that:

- Each student receives a copy of this Code on his/her initial enrolment and:
- Each student shall be reminded of the Code as well as the University's further policies on Equal Opportunities and Health and Safety through their induction to their course.

8.3 The following terms in this document have the meanings indicated below:

- "A Dean" refers to the member of staff responsible to the Pro Vice-Chancellor for the circulation and operation of the Code to students within each constituent College of University of the Arts, and to any member of staff formally acting for the Dean in disciplinary matters. "A Dean" also refers to members of staff who have cross-university roles and designated Dean status.
- "Senior Manager" refers to a Dean, Director of Head of Department or equivalent.
- "Staff at the level of Dean" refers to staff with managerial responsibility, directly reporting to a member of the University Management Team.
- "A friend" includes a fellow student in University of the Arts London, a representative from University of the Arts London Students' Union or a relative.
- "Duty manager" refers to the most senior manager responsible on site, including managers responsible for student residences.
- "Conduct" refers to the day to day activities of fellow students and or University staff in teaching, learning research, social or residential environments managed. by, or on behalf of the University, and to alleged gross misconduct off-site (see section 3).
- "The Code" refers to this section as a whole.

8.4 Conduct

Overview

8.4.1 It shall be a breach of the code if a student:

- I. Engages in any conduct which prevents, obstructs or disrupts:

- Teaching, learning or research within the University
 - The administration of the University
 - Any member of staff from discharging his/her duties
 - The occurrence or conduct of any lawful meeting within the University or organised by it
- II. Obstructs or attempts to obstruct access of staff, students or members of the public entering as normally permitted any building or premises within the University's control
- III. Commits any breach of regulations including policy relating to Health and Safety, Equal Opportunities and the use of facilities and resources

Offences against the person

- IV. Assaults, sexually harasses, or otherwise intimidates any fellow student. Member of the University's staff or person visiting the University or engages in racist behaviour in contravention of the University's Diversity policy

Offences against property

- V. Misappropriates, deliberately misuses, maliciously damages, retains (without authorisation) any equipment, learning materials, furniture or fittings belonging to, or under the control of the University of the Students' Union or being the personal property of any student or member of staff
- VI. Misappropriates any funds or assets of the University or the Students' Union

Trespass

- VII. Enters or remains in an areas from which excluded, or takes part in any trespass or unauthorised occupation of any buildings or premises owned or used by the University

Occupation will be deemed to be unauthorised if it is carried on after reasonable notice to desist has been given or if the student has occupied a building or premises or part thereof where access by students is normally prohibited

Anti-social behaviour

- VIII. Behaves in a disruptive or violent manner in learning and teaching environments and/or residential accommodation managed by the University
- IX. Engages in alcohol or drug misuse and/or the illegal supply of Class A or Class B drugs within the learning or teaching environment or residential accommodation owned or managed by the University

Plagiarism

- X. Commits or is implicated in cheating or plagiarism in relation to an examination or assessment; or attempts to achieve any form of unfair advantage using other's work including creative artefacts, whether completed or in progress

Such offences shall be investigated and any sanction determined according to this Code. In addition, it will be for the Board of examiners or examining body, as

appropriate, or if such arrangements do not apply, the Academic Board to decide upon the standing of the candidate's result or award id already made. Additionally see Academic Affairs Handbook

The use of files

- XI. Invades, abuses or attempts to abuse the security, integrity or and documents privacy or any files or confidential material, whether or not subject to protection under the Data Protection Act, including computerised systems of the University or the Students' Union

Criminal offence

- XII. Commits any criminal offence (including the infringement of copyright) or conducts himself/herself on the premises of the University in a manner that would amount to a criminal offence were it committed in a public place

Miscellaneous

- Xiii. Otherwise commits a breach of any Regulation, Rule or Code of Practice, for instance Ethics, authorised by the Court or the Academic Board

- 8.4.2 The offences specified in 8.4.1 are not intended as a definitive list. Where there is doubt, the University Secretary shall decide the procedure to be followed in a particular situation, having regard to the standards of conduct implied in 8.4.1 generally.

8.5 Gross Misconduct

Any offence (including allegations of criminal behaviour as further detailed in section 8.6.4 below) in which the offender commits physical violence, malicious abuse, theft, fraud or other fundamental breach of trust or negligently endangers staff or students or visitors must be regarded as gross misconduct and may therefore lead to immediate suspension pending a disciplinary hearing and possible expulsion. Nothing in this code shall prevent a student from being suspended immediately on grounds of gross misconduct.

8.6 Action on Misconduct

- 8.6.1 Any member of staff may with good cause require a student to leave a specific room or area should a situation develop which cannot after reasonable endeavours, be otherwise resolved. However, members of staff do not have the authority to bar students from University facilities and resources beyond the immediate resolution of a difficult situation. a requirement to leave, the matter can only be extended into a formal continuing suspension of the student through the procedure detailed within this Disciplinary Code.
- 8.6.2 Any refusal to leave or similar escalation of the situation should be referred immediately to a member of staff at the level of Dean, or if the latter is not available, the Duty Manager for the site. The police will be called if the senior staff member present deems this appropriate.
- 8.6.3 The request to leave with summary detail of the incident leading to it, together with any refusal to leave shall be reported to the student's Dean as soon as reasonably practicable

normally using the 'Student Incident Report Form' available from Student Services website or HR or USO. The Dean will then revert to the sections of this code.

Immediate Action – Alleged Criminal Behaviour and Police Involvement

8.6.4 Allegations of criminal behaviour (on or off-site) may come to staff's attention in three ways:

1. Allegations by another member of the school/college/university community (e.g. student, staff or visitor)
2. Allegation by an external party (e.g. neighbour, member of public)
3. Report/enquiry from the Police

In all cases, the office of the Dean or equivalent should be informed; and advice from the University Secretary and/or Dean of Students may be sought on the questions of liaison with police and informal progress respectively.

8.6.5 In cases (1) and (2), if the allegation is potentially gross misconduct, the matter should be directed to the police. That is, the person making the allegation should be advised to contact the police. Staff should consider the merits or otherwise of assisting in this, according to circumstances.

8.6.6 Once the police are involved with the alleged incident, their advice should be sought as to what further action the School/College/University might take. The relevant member of Executive Board – Pro Vice-Chancellor or Deputy Vice-Chancellor as well as the university Secretary and Dean of Students should be informed, if not already aware. Apart from suspension, it is likely that the police will require that no further investigation is undertaken, as this might damage the proper proceedings for a charge.

8.6.7 If the matter is not referred to the police or the police refer the matter back for our internal action only, it should be dealt with promptly utilising the procedures indicated in this section or section 8.7 below, but with an awareness of the particular problems around cases of an interpersonal nature (e.g. student allegations about fellow students). In such instances, a counter allegation is often offered/made as a defence. Hence, suspension (if the police are not involved) should be used very sparingly, as a suspension of only one party leaves the School/College/University in a very vulnerable position.

8.7 Initial and extended suspension

8.7.1 Staff in the following posts have the Vice Chancellor's authority to suspend students: Deputy Vice Chancellors, Pro Vice-Chancellors for each College, Deans, Senior Managers, Duty Managers. Initially, suspension may be imposed for up to three complete working days. A suspension imposed by a Dean or Duty Manager must be notified immediately to the Pro Vice-Chancellor where the student is registered. No further action of a disciplinary nature shall then be taken in relation to a residential issue without consulting the Pro Vice-Chancellor concerned.

- 8.7.2 Within three working days of their suspension, students must be sent to their registered (QL) address written confirmation (by post or email), explaining why they have been suspended and for how long. Extensions to suspension should also be communicated clearly and promptly, once the decision to extend supervision has been made.
- 8.7.3 Where the University have become notified that the police have become involved, proceedings may be deferred until we receive Police guidance concerning further legal action. In such cases, an explanatory meeting will be held within 72 hours to keep relevant parties informed. If the student is already suspended by the University this may be extended and the student will be notified accordingly.
- 8.7.4 After the initial suspension, a further period may be imposed if more time is needed to complete an investigation or if exclusion is necessary until a disciplinary hearing is held. At the beginning of the extended period of suspension the student should receive in writing a statement of the allegation(s) being investigated and confirmation of the reason for suspension. In all case, unless the Vice Chancellor determines otherwise, suspension shall debar the student from all university sites, premises and activities (except with express consent). However reasonable opportunity to respond to an allegation would normally be permitted and it is also recognised that special considerations could arise in relation to a student's access to his place of residence.
- 8.7.5 A student who has been under continuous suspension for two weeks or more may appeal to the Vice-Chancellor for the matter to be expedited unless a disciplinary hearing has been held or the date for a hearing set.
- 8.8 Informal and formal proceedings regarding infringements of the Code
- 8.8.1 All infringements of the Code shall be investigated to establish the facts. Any student against whom an allegation has been made has the right to be accompanied by a "friend" at an investigative interview or discipline hearing.
- 8.8.2 Prompt and informal resolution should always be sought for minor infringements. Deans or Duty Managers will seek early resolution without further reference to this procedure. In other circumstances, following investigation the procedure should move to a formal disciplinary hearing if necessary.
- 8.8.3 Informal resolution may be undertaken in conjunction with the (Dean of Students) who will act in an advisory and consultative manner (flowchart on the website). An informal resolution will seek to rectify a problem that has arisen, but will not be designed to punish the student. Suitable informal resolution includes:
1. Successful mediation between students, or students and staff
 2. Righting a wrong by paying for damage (but no fine)
 3. Apologising to those affected by inappropriate behaviour
 4. Agreement to certain standards of behaviour in the future
- 8.9 Mental Illness
- 8.9.1 If it appears to those considering an allegation of misconduct (as described in sections 8.4 and 8.5 above) that the student in question is suffering from mental illness or mental

instability, the proceedings may be adjourned for the preparation of a medical report following advice from the University's Head of Counselling, Health and Disability.

8.9.2 If there is medical evidence that the student is suffering from mental illness or mental instability, those dealing with the case may suspend or terminate the proceedings, if it felt appropriate to do so.

8.10 Formal Resolution

A student shall be informed in writing of the allegations against him/her 10 working days in advance of any disciplinary hearing. Documentation relating to the hearing will be provided to the student no later than 2 working days before the meeting. Disciplinary hearings will usually occur no more than 15 working days after the Dean's or Senior Manager's investigation has been concluded. In cases involving health assessments this period may necessarily be longer.

8.11 Disciplinary Hearing Panel

8.11.1 The Disciplinary Hearing Panel should consist of one Pro-Vice Chancellor, or Dean (not from student's College), one senior member of central services staff (who shall be chair).

8.11.2 The panel will receive a report from the Dean of the student's school on their investigation. The Chair will be empowered to request additional documentation and/or evidence.

8.11.3 Any documentation (including a tariff of sanctions) and evidence presented to the panel should be made available to the student at the earliest opportunity and no later than 2 working days ahead of the meeting.

8.11.4 Disciplinary hearings will normally be chaired by a Senior University manager. However, when gross misconduct has been alleged, or previous warnings have not produced a satisfactory response, or persistent infringements of the Code have occurred, the hearing will be conducted by a UMT member nominated by the Vice-Chancellor. The conduct of all disciplinary hearings should follow the standard university procedure.