

UNIVERSITY *of York*

ORDINANCES AND  
REGULATIONS

2014/2015



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# *Ordinances of the University*

## ORDINANCE 1

### **1 CONSTITUTION OF BOARDS OF STUDIES**

- 1.1** For the purposes of Statute 18 there shall be a Board of Studies for:
- (a) each separate subject or combination of subjects in which students are admitted to follow any degree course provided that where the Senate has instituted more than one degree course for the completion of which study is normally required in the same subjects, these courses shall not be governed by separate Boards of Studies by reason only of a difference in the proportion of the several elements of the course;
  - (b) such other subjects or programmes of study as the Senate may, from time to time, approve.
- 1.2** A Board of Studies shall consist of those members of the staff appointed to posts established under Statute 11.4.a to teach any of the subjects prescribed for the Board, or, if no subjects have been expressly approved by the Senate in relation to that Board, such members of the staff as shall have been designated by the Senate by name as members of that Board and such persons as fall within a category of the members of the staff designated by the Senate to be members of that Board.
- 1.3** The Senate shall designate each Board of Studies constituted under paragraphs 1 and 2 above as:
- (a) a Single Board of Studies (which may also govern a combined programme with the approval of the Senate); or as
  - (b) a Combined Board of Studies, the membership of which shall be drawn from two or more Single Boards of Studies.
- 1.4** The business of Combined Boards may normally be conducted through Combined Board Executive Committees whose membership shall include not less than four nor more than nine academic staff members of the Combined Board; and each Single Board of Studies which is responsible for teaching any subject(s) also prescribed for that Combined Board shall appoint from its own

membership an equal number of the academic staff members referred to above. The members of a Combined Board Executive Committee may carry out items of business relating to student progress and, together with an appropriate external examiner, the classification of degrees.

- 1.5 Each Board of Studies shall have power to co-opt other members of staff appointed by the University, as the Board considers appropriate.
- 1.6 Each Board of Studies shall have undergraduate and postgraduate student representatives in its membership.
- 1.7 Each Board of Studies shall include its Academic Liaison Librarian as an *ex officio* member.
- 1.8 Each Board of Studies is empowered to decide which items of business should be reserved items, according to a scheme of classes of such items approved by the Senate, and to exclude student members from the Board during discussions of and voting on those items.
- 1.9 Each Board of Studies shall from among its own members elect its own Chair who shall hold office for a period of two years beginning 1 August in the year in which he/she is elected. The Chair of a Board of Studies shall be eligible for re-election but, except with the approval of the Senate, shall not hold office for more than two consecutive periods of office.
- 1.10 Each Board shall appoint its Secretary from among its own members.

## ORDINANCE 2

### **2 MEETINGS OF BOARDS OF STUDIES**

- 2.1 Each Single Board of Studies shall meet not less than once a term. The Chair shall act as convener for meetings of such a Board at the request of two members of the Board.
- 2.2 Each Combined Board of Studies shall meet not less than once a year. The Chair shall act as convener of such a Board at the request of any Single Board of Studies which is responsible for teaching any subject(s) also prescribed for the Board.
- 2.3 The quorum shall be one third of the total membership of each Board of Studies, subject to the proviso that a Combined Board of Studies shall not be quorate unless each of the subjects prescribed for the Board

is represented by one third of those of its members who are either appointed to teach or enrolled to study that subject. For items of business which are reserved under Ordinance 1.8, account shall not be taken of student members of a Board in calculating its quorum.

- 2.4** Notwithstanding Ordinance 2.3, in exceptional circumstances, where it is not possible to convene a quorate Board of Studies, the University Senate shall be asked by the Registrar and Secretary to approve the establishment of a Board of Studies Executive Committee of three or more of the members of the Board of Studies which will have the power to approve the recommendations of the Boards of Examiners and submit them for approval by the Standing Committee on Assessment acting on behalf of the Senate. In addition, in exceptional circumstances the University Senate shall be asked by the Registrar and Secretary to allow the membership of a Combined Board Executive Committee, provided for in Ordinance 1.4, to be reduced to not less than 3 members, with at least one member from each Board of Studies.

#### ORDINANCE 3

### **3 THE GRADUATE STUDENTS' ASSOCIATION**

- 3.1** There shall be constituted in the University of York a Graduate Students' Association hereinafter referred to as the Association.
- 3.2** All registered postgraduate students of the University shall become members of the Association but shall have the right to withdraw from membership in accordance with the procedure approved by the University Council and set out in the Code of Practice provided for in 3.5 below.
- 3.3** The aims and objectives of the Association shall be to:
- (a) promote and defend the educational and general interests of its members, and be the recognized representative channel between them, the University of York and other external bodies;
  - (b) further the social interests of all its members;
  - (c) promote the integration and social cohesion of its members;
  - (d) improve communication between graduates and undergraduates at the University by working in conjunction with the representative bodies of undergraduate students;

- (e) establish contact with other graduate student bodies, and help facilitate the exchange of students and best practice between institutions;
  - (f) raise the profile of postgraduate study at the University of York;
  - (g) further such policies of the Association as are decided by its members according to the procedures laid out in this Constitution.
- 3.4** The Association shall be governed by its members under the Constitution as approved by the University Council in accordance with the Code of Practice provided for in 3.5 below.
- 3.5** There shall be a Code of Practice, to be approved by the University Council, governing the conduct and management of the Association in accordance with the requirements of Part 2 of the Education Act 1994.

#### ORDINANCE 4

### **4 THE STUDENTS' UNION**

- 4.1** There shall be constituted in the University of York a Students' Union, hereinafter referred to as the Union.
- 4.2** All registered students of the University shall become members of the Union but shall have the right to withdraw from membership in accordance with the procedure approved by the University Council and set out in the Code of Practice provided for in 4.4 below.
- 4.3** The aims of the Union shall be:
- (a) to promote and defend the general interests of its members and to represent them in matters affecting their interest;
  - (b) to further such policies of the Union as are decided according to the Students' Union Constitution as approved by the University Council in accordance with the Code of Practice provided for in 4.4 below.
- 4.4** There shall be a Code of Practice, to be approved by the University Council, governing the conduct and management of the Union in accordance with the requirements of Part 2 of the Education Act 1994.

## ORDINANCE 5

### **5 MEMBERSHIP OF THE SENATE**

- 5.1** Subject to the remaining provisions of this Ordinance, the terms of membership of persons elected to the Senate shall run from 1 August in the year in which they are elected and shall be three years for those elected under Statute 12.1.h, two years for those elected under Statute 12.1.i and one for other elected members of the Senate. Members may be re-elected in or after the year in which their term of membership expires.
- 5.2** The term of any elected member of the Senate shall come to an end forthwith on her or his ceasing to belong to the class of persons by whom she or he was elected, and the term of any alternate member as such shall come to an end forthwith upon her or his becoming a full member other than an alternate. Any vacancy arising in either manner shall be filled in accordance with Regulations made by the Senate.
- 5.3** Subject to 5.2 and 5.4, any elected member of the Senate who has become a member of the Council by virtue of Statute 11.1.d shall cease to be a member of the Senate on the date on which he or she ceases to be a member of the Council by virtue of Statute 11.3.d.
- 5.4** Any member of the Senate may resign at any time by writing addressed to the Registrar and Secretary and the resulting vacancy shall be filled in accordance with Regulations made by the Senate.

## ORDINANCE 6

### **6 UNIVERSITY EXAMINERS AND EXAMINATIONS**

- 6.1** Every examination for a Degree, Diploma or Certificate of the University of York shall be conducted by Boards of Examiners, one for each subject, or in the case of combined degrees, for each group of subjects. Each Board of Examiners shall appoint a Chair. The members of the Board shall be jointly responsible for the setting and marking of papers.
- 6.2** Every Board of Examiners shall consist of at least three members, at least one of whom shall not be a member of the academic and related staff of the University of York or of an institution offering programmes of study

validated by the University of York. In the cases of programmes of study validated by the University but offered wholly by other institutions, the Board of Examiners may in addition include members of the academic staff of the institution concerned.

- 6.3** The quorum for a Board of Examiners is a minimum of three for undergraduate and taught postgraduate qualifications, at least one of whom must be an external and one an internal examiner. For joint programmes, the quorum must also include at least one representative of each department involved in offering the joint programme.
- 6.4** The Internal Examiners of the University shall be appointed annually from the academic staff of the University on Senate's behalf by the Standing Committee on Assessment on the recommendation of the Boards of Studies.
- 6.5** The External Examiners of the University shall be appointed on Senate's behalf by the Standing Committee on Assessment on the recommendation of the Boards of Studies. In the case of first degrees, taught higher degrees and postgraduate diplomas or certificates, appointments shall be made for a period of up to three years which may be extended for a further year in exceptional circumstances. An examiner may not normally be appointed for a further period until an intervening period of at least five years has elapsed. Former members of the University may not normally be nominated for appointment unless a period of five or more years has elapsed since they left the University.
- 6.6** No candidate shall be admitted to any examination unless he/she has satisfied the requirements laid down in Statutes, Ordinances and Regulations, or has been exempted from any special requirements by the Senate on the recommendation of the Board of Studies concerned and has paid the fees prescribed.
- 6.7** In the case of qualifying examinations, a list of names of candidates who have passed, arranged in alphabetical order, shall be prepared by the Board of Examiners concerned and signed by the Chair and an External Examiner, subject, where appropriate, to approval by the Board of Studies concerned. The list shall then be forwarded to the Registrar and Secretary for publication and for submission to the Standing Committee on Assessment for approval and then Senate for ratification. In the case of Final Examinations or examinations which are classified, or in which distinctions are awarded in individual subjects, lists of names in alphabetical order in each class or other category shall be similarly

drawn up, signed and communicated. The Registrar and Secretary will notify Boards of Studies of those candidates whose names should be listed separately and whose results should neither be published nor divulged to the student until satisfactory financial arrangements have been made for the settlement of outstanding debts to the University. Where classes or divisions are awarded on the results of examination in more than one subject it shall be the responsibility of the Joint Board of Examiners to assess the class or division.

#### ORDINANCE 7

### **7 DEPRIVATION OR REVOCATION OF ACADEMIC QUALIFICATIONS**

- 7.1 Where any Degree, Diploma, Certificate or other academic distinction (hereinafter described as a qualification) has been granted to or conferred on a person by Senate in accordance with Statute 12.2h or 12.2i, Senate shall have the power in accordance with paragraph 4d of the Charter to deprive the person of that qualification or to revoke it, having determined that there is good cause to do so. Good cause includes the discovery, subsequent to the grant or conferment of the qualification, of academic misconduct in work submitted for the qualification, or other academic-related behaviour, which indicates that the person should be deprived of the qualification or that the qualification should be revoked.
- 7.2 Upon receipt of a case, the Secretary to the Senate shall arrange for an Investigating Committee to be established, on behalf of Senate and in accordance with Statute 12.3, to consider the case of that person. The Investigating Committee (including its Chair) shall be constituted and appointed by the Vice Chancellor, and its establishment shall be reported to the next meeting of Senate under 'Reserved' business.
- 7.3 The procedure of the Investigating Committee shall accord with the principles of natural justice. The person concerned shall have the opportunity to answer in person before the Committee any allegations about his or her conduct or behaviour that have given rise to the investigation and to put his or her case. The person may be accompanied at any meeting by another person of his or her choice, who may speak on the person's behalf with the permission of the Chair of the Committee; such permission shall not be unreasonably withheld. Subject to those

provisions, the Investigating Committee shall determine its own procedure, in the light of the particular circumstances of the case and taking advice as necessary.

- 7.4 The Investigating Committee shall make a report to a panel of Senate, and a recommendation for further action, such as deprivation or revocation of a qualification, if warranted. The panel of Senate shall be established in accordance with Statute 12.3 and be constituted and appointed by Senate, including its Chair. The person concerned shall be provided with a copy of the Investigating Committee's report and any recommendation and shall have the opportunity to comment in writing to the panel of Senate on the report and any recommendation. The person concerned shall have the opportunity to appear in person before the panel of Senate and to be accompanied by another person of his or her choice who may speak on the person's behalf with the permission of the Chair; such permission will not be unreasonably withheld.
- 7.5 The panel of Senate shall make a report, and any recommendation for further action it considers appropriate, to Senate. Senate shall make a determination in the case including a decision to deprive a person of a qualification or to revoke a qualification if warranted. Senate shall not delegate its power of deprivation or revocation to any individual or committee.
- 7.6 There is no right of appeal within the University against the determination of Senate including any decision of Senate to deprive a person of a qualification or to revoke a qualification, Senate's decision being based on academic judgement. The determination of Senate will be final. An aggrieved person may pursue a complaint about process through the University's Complaints Procedure. A person dissatisfied with the outcome of the case decided upon by Senate may be able to make a complaint to the Office of the Independent Adjudicator for Higher Education.
- 7.7 No person shall be deprived of an Honorary Degree of the University conferred in accordance with Statute 19 except by Council, and not unless the Council, after consultation with Senate, has determined that there is good cause for that deprivation.
- 7.8 Where the removal of an award is required as a result of a successful academic appeal, Special Cases Committee has authority delegated to it by Senate to revoke any award affected by the grounds for appeal. In these circumstances, the investigation outlined in 7.1-7.6 is not required.

The student's award will subsequently be determined on the basis of appropriate result criteria following any repeat study, subsequent study, reassessment or recalculation, and appropriate awards made by Senate in the usual manner.

#### ORDINANCE 8

### **8 EXEMPTION FROM PART OF A PROGRAMME OF STUDY OF THE UNIVERSITY**

- 8.1** Candidates seeking exemption from any module or part of a programme of study leading to an academic award of the University should refer to the University's policy as set out in the *APL: Guide to Policies and Procedures*.

#### ORDINANCE 9

### **9 ADMISSION OF VISITING STUDENTS**

- 9.1** Visiting students may be admitted to the University provided that they are admitted for no more than one year in the first place, renewal for a further year or years being subject to the permission of the Board of Studies concerned.
- 9.2** Visiting students may take University examinations appropriate to the modules they have taken, provided that the results of such examinations shall not entitle them to be considered for the award of any University qualification, except with the special permission of the Senate.
- 9.3** Candidates who wish to register as visiting students to follow undergraduate modules at the University may, subject to the provisos listed under paragraphs 9.1 and 9.2 above and paragraph 9.5 below, be admitted by the Board of Studies concerned, each application being considered on its individual merits.
- 9.4** Applications from graduates who wish to register as visiting students for a graduate course or a course designed to qualify them for registration leading to a higher degree of the University or for provisional graduate registration must be submitted to the Board for Graduate Schools to decide, at that time, on the recommendation of the Board of Studies,

the examination requirements for each candidate to qualify him/her for graduate or provisional graduate registration in the University.

- 9.5 Except with the special permission of the Senate, candidates who are graduates of the University of York shall not be permitted to register as visiting students unless they have obtained not less than a second-class honours degree in the Final Examination.

#### ORDINANCE 10

- 10 THIS ORDINANCE HAS BEEN REPEALED BY THE UNIVERSITY COUNCIL – PLEASE SEE UNIVERSITY STATUTE 24.**

#### ORDINANCE 11

- 11 THIS ORDINANCE HAS BEEN REPEALED BY THE UNIVERSITY COUNCIL – PLEASE SEE UNIVERSITY STATUTE 24.**

#### ORDINANCE 12

### **12 MEMBERS OF THE UNIVERSITY**

- 12.1 In pursuance of Statute 2.1 of the University the Council grants the status of Members of the University to the teachers and officers of the University to whom this Ordinance applies.
- 12.2 This Ordinance applies to all those who are not Members of the Academic Staff of the University but the terms and conditions of whose appointment by the University are in respect of salary and superannuation arrangements related to those of Members of the Academic Staff.

ORDINANCE 13

- 13 THIS ORDINANCE HAS BEEN REPEALED BY THE UNIVERSITY COUNCIL – PLEASE SEE UNIVERSITY STATUTE 24.**

ORDINANCE 14

- 14 THIS ORDINANCE HAS BEEN REPEALED BY THE UNIVERSITY COUNCIL – PLEASE SEE UNIVERSITY STATUTE 24.**

# *Regulations of the University*

## **1 REGULATIONS FOR HIGHER DOCTORATES**

Higher Doctorates that may be conferred by the University are listed in Appendix 1.

- (a) Higher Doctorates may be conferred upon people who in the judgement of the University have distinguished themselves by their substantial and original contributions to the advancement of learning.
- (b) Candidates for Higher Doctorates must have held a degree of the University of York for at least ten years.
- (c) Applications for admission to Higher Doctorates must be based on original published work of distinction. If any of the publications submitted have been produced jointly with others, the candidate must include a written statement indicating his/her participation in the work.
- (d) Applications are made in writing to the Registrar and Secretary and include:
  - (i) a complete list of the applicant's academic works, in which the works on which the candidature is based are clearly indicated; and
  - (ii) a statement by the candidate on the nature, extent and importance of the works submitted.

Three copies of the work must normally be provided. The work must be in the form specified in the University's requirements for the presentation and binding of theses and dissertations, which are available at [www.york.ac.uk/admin/gso/exams/thesis/requirements.htm](http://www.york.ac.uk/admin/gso/exams/thesis/requirements.htm)

The candidate must also state whether, and with what result, any of the work in the list has been submitted for a degree of this or any other university.

- (e) The Board of Studies sponsoring the application must recommend the appointment of not less than three Assessors of whom a majority must not be members of the academic or research staff of the University. Each recommendation must be accompanied by a supporting statement explaining the suitability of the person

recommended and confirming that the recommendation has been formally approved by the Board of Studies or Graduate School Board concerned.

The Assessors are appointed by the Standing Committee on Assessment acting on behalf of Senate.

The Assessors prepare independent reports which are submitted together with their recommendations to the Board of Studies. The Board of Studies recommends to the Senate whether or not the degree should be awarded.

- (f) If the application is successful, one copy of the work or works accepted for the award of the Higher Doctorate must be lodged with Registry Services for forwarding to the University Library; the second copy is kept in the appropriate Department, Institute or Centre; and the third copy is retained by the candidate.
- (g) A candidate for a Higher Doctorate must pay the prescribed examination fee on submission of the application to the Registrar and Secretary.

## **2 REGULATIONS FOR RESEARCH DEGREE AWARDS**

### **2.1 Awards**

### **2.2 Entry requirements**

### **2.3 Enrolment requirements**

### **2.4 Supervision**

### **2.5 Residence and attendance**

### **2.6 Progress and programme transfers**

### **2.7 Assessment requirements**

### **2.8 Academic Appeals and Hearings**

### **2.9 Regulations for PhD by Publication**

### **2.1 Awards**

Research degrees that may be granted by the University are listed in Appendix 1.

In order to qualify for a research degree, students must:

- (a) Meet the specified entry requirements
- (b) Pursue the programme of study prescribed for the specified period of enrolment
- (c) Comply with supervision, residence and attendance requirements (see 2.4 and 2.5 below)
- (d) Fulfil all other progression and programme requirements specified, including successful completion of the University's online Academic Integrity Tutorial.\*
- (e) Pay such fees or other sums as may be prescribed.
- (f) Meet the specified assessment and examination requirements, including the final thesis, dissertation or research project and, where required, an oral examination.

Failure to meet the requirements set out in 2.1 (a) to (f) above may result in a student not being permitted to enter for assessments or examinations for the specified award.

#### *Powers of Boards of Studies*

- To make recommendations to Standing Committee on Assessment acting on behalf of Senate for the award of research degrees
- To make recommendations to Standing Committee on Assessment acting on behalf of Senate for any exceptions to these requirements.

## **2.2 Entry requirements**

To be admitted to a research degree programme, a candidate must:

- (a) Hold a relevant first degree of this or of another university recognised by the Senate for this purpose, or have qualifications or related experience recognised by the Senate as equivalent to a relevant degree.
- (b) Submit the subject of his/her higher study or research to the Board of Studies concerned for approval prior to admission.

\* This requirement to successfully complete the University Online Academic Integrity Tutorial does not apply to students on validated programmes

- To recommend to Senate candidates for admission to research degree programmes.

## **2.3 Enrolment requirements**

- (a) General research degree requirements, including the required periods of enrolment for awards, are specified in the Code of Practice on Research Degrees, and the Degrees of MPhil, PhD and EngD. [Additional guidance notes can be found in Notes of guidance for students, supervisors and examiners and Guidelines on MA/MSc by research.] These publications are available on the Registry Services web pages under “Information for Research Students”.
- (b) With the approval of Senate, prior learning and achievement relevant to the programme concerned may be recognised through the reduction of the period of enrolment. Parameters and procedures for this are specified in the Code of Practice on Research Degrees.
- (c) Specific programme requirements are as approved by the Senate on the recommendation of the Board of Studies concerned. Programme requirements are specified in relevant departmental documents.
- (d) Students enrolled for a research degree may not usually be enrolled at the same time for any other degree or qualification at this or another institution, unless such enrolment forms part of an approved programme of study involving another institution or institutions.
- (e) Students are not permitted to count the same period of enrolment for the award of a research degree and a taught postgraduate degree.
- (f) *Paid employment*
  - (i) Students on full-time research degree programmes may undertake a maximum of twenty hours of paid employment per week. This maximum is subject to any restrictions imposed by the student’s sponsor or funding body and the approval of his/her supervisor. Exceptions to these requirements may be made by University Teaching Committee (at the programme level) or the Board of Studies (for individual students) on the recommendation of the Board of Studies or Supervisor

respectively, for certain categories of employment closely related to the programme of study.

- (ii) It shall be a condition of any arrangements that are made regarding paid employment, residence and attendance that regular supervision will be provided for.

#### *Powers of Boards of Studies*

- To recommend to Senate research degree programme requirements for approval
- To recommend to Special Cases Committee any exceptions to the specified enrolment requirements, including the reduction of periods of enrolment
- To recommend to Senate exceptions regarding paid employment.

## **2.4 Supervision** (*see also 2.3 on enrolment requirements*)

- (a) Students on research degree programmes are allocated a supervisor, normally a member of University staff. An additional supervisor may be appointed where desirable. This may be a requirement of specified programmes.
- (b) In the case of collaborative programmes, approval may be given for a supervisor (or additional supervisor) to be appointed from the collaborating institution or organisation. This may be a requirement of specified programmes.
- (c) Students enrolled on the degree of EngD shall have at least two supervisors, one of whom must be a member of University staff. In addition, an industrial supervisor who is employed by the industrial organisation associated with the programme of study must also be appointed. The University may appoint a third supervisor, who may be a member of staff at another university.
- (d) Students are required to attend supervisory meetings not less than twice a term. Requirements for more frequent meetings and/or for meetings with additional supervisors will be specified by the Board of Studies concerned.
- (e) All supervisors for research degrees are appointed by the Board of Studies concerned. Appeals against the appointment of a supervisor are heard in the first instance by the relevant Board of Studies.

Special Cases Committee shall hear appeals against the outcome of the Board of Studies' decision.

#### *Powers of Boards of Studies*

- To recommend to Senate programme-level exceptions to supervisory requirements
- To approve the appointment of supervisors for individual students
- To specify acceptable alternatives to face-to-face supervisory meetings (for example, in the case of distance learning programmes).

### **2.5 Residence and Attendance** (*see also 2.3 on enrolment requirements*)

- (a) Research students should normally live within reasonable travelling distance of their designated place of instruction for the duration of designated periods of study. Where fieldwork constitutes part of a programme of study, the fieldwork location may be regarded as the designated place of instruction.
- (b) Students may be absent from their designated place of instruction during periods of study provided they are not away at any time at which academic engagements, including thesis advisory panel meetings, have been arranged. Students are responsible for seeking approval for absences at other times from their supervisor or, in the supervisor's absence, the Chair of the Board of Studies concerned.
- (c) "Designated periods of study" will usually equate to University terms. Exceptions to this will be recorded as programme requirements in departmental documentation.
- (d) *Exceptions: distance learning programmes*  
Students on distance learning programmes are expected to demonstrate attendance through participation in all designated academic engagements.
- (e) *Exemptions*  
Students seeking exemptions from attendance requirements for medical or other reasons should follow the procedure set out in the Mitigating Circumstances Policy. This includes a procedure for self-certification for short periods of absence due to ill-health.

### *Powers of Boards of Studies*

- To define designated places of instruction and/or placements
- To define designated periods of study, where these do not correspond with University terms
- To define the academic engagements required for programmes of study
- To define exceptions to attendance requirements in programme documentation
- To approve exemptions or recommend exemptions to attendance requirements to Senate in accordance with the *Mitigating Circumstances Policy*.

## **2.6 Progress and programme transfers**

- (a) Students must meet progression requirements as specified in the *Code of Practice on Research Degrees* and in programme documentation. Students who fail to meet progression requirements will not be permitted to continue and their enrolment with the University may be terminated or, where permitted, transferred to another programme.
- (b) Appeals against progression decisions should be made to the appropriate Board of Studies and referred to Special Cases Committee where there is no satisfactory resolution. Special Cases Committee only will take account of those mitigating circumstances that were disclosed to the Board of Studies at the appropriate time unless the student can demonstrate acceptable reasons for failure to disclose at that time.
- (c) All students are required to complete successfully the online University Academic Integrity Tutorial before the end of the first stage or year of their programme of study as specified in Regulations 5.7 and 6.5 (c). Failure to comply with this regulation may result in termination of enrolment with the University.
- (d) Plagiarism detection software packages may be used at the University's discretion to detect unfair practice in student submissions. As part of the academic community, students accept that work they submit for assessment may be submitted to these software packages. Further information relating to how such software

is used can be found in the University's Data Protection Statement, the Academic Integrity website and departmental handbooks.

- (e) Procedures for investigating academic misconduct and the penalties applied where it has been committed are contained in *Academic Misconduct: Policies, Guidelines and Procedures* for all programmes of study.
- (f) *Requests to transfer enrolment*  
A student enrolled on a research degree programme may request a transfer to a different research degree where such degrees are available and provided that such transfer takes place before the dissertation, thesis or other final research is submitted.

#### *Powers of Boards of Studies*

- To specify programme progression requirements for approval by the Senate
- To recommend to Senate the termination of enrolment of a research student.
- To consider requests for transfers of enrolment.

## **2.7 Assessment requirements**

- 1. Introduction**
- 2. Theses and Dissertations**
- 3. Examiners**
- 4. Examinations**
- 5. General assessment requirements**
- 6. Mitigating Circumstances**
- 7. Academic Misconduct**
- 8. Granting of Awards**
- 9. Deposit and availability of theses and dissertations after examination**

### **2.7.1 INTRODUCTION**

Detailed assessment requirements and procedures for the award of research degrees are set out in the *Code of Practice on Research Degrees*. For the award of the degrees of MPhil, PhD and EngD, a student must:

- (a) present a thesis according to the requirements set out in 2.7.2 below, and
- (b) present him/herself for an oral examination on the subject of his/her advanced study.

For research degree programmes, any further assessment requirements specified in programme documentation should be regarded as progression requirements.

#### 2.7.2 THESES (MPHIL, PHD AND ENGD) AND DISSERTATIONS (MA/ MSC BY RESEARCH)

- (a) Word limits for theses and dissertations are prescribed by the Board of Studies concerned.
- (b) Students must notify the Registrar and Secretary of their intention to present a thesis, together with the title of the thesis, not less than eight weeks before the date of presentation.
- (c) Students who wish to submit a thesis more than three months before the end of the specified enrolment period for the award must seek approval from the Board of Studies concerned.
- (d) Students are required to submit a thesis within one year of the end of the normal period of enrolment, unless mitigating circumstances apply. In such instances, extensions may be recommended by from the Board of Studies concerned for approval by Special Cases Committee. The extension shall not normally exceed two years. Extensions will be granted only in cases where the candidate's work has been hampered by medical or personal or unexpected circumstances arising from employment for which supporting documentary evidence can be made available.
- (e) Requirements regarding the presentation and submission of theses and dissertations are set out in the *Code of Practice on Research Degrees*.
- (f) Students are not permitted to submit a thesis containing work that has already been submitted for the award of a degree or other qualification conferred at this or any other university.

### *Powers of Boards of Studies*

- To prescribe word limits for theses and dissertations.
- To make recommendations to Standing Committee on Assessment acting on behalf of Senate regarding early submission or the extension of the submission deadline for the thesis
- To make recommendations to Special Cases Committee regarding the late submission of theses and dissertations where mitigating circumstances apply.

### 2.7.3 EXAMINERS

- (a) Candidates for research degree awards, with the exception of any candidate referred to in paragraph (b) below, shall be examined by at least two and not more than three examiners. The number of examiners who are not members of the academic staff of the University shall always equal or exceed the number of those who are.
- (b) In the case of candidates for jointly awarded research degrees the details of examiner membership must be clarified in the degree programme specification and approved by Senate.
- (c) Any candidate for a research degree award who, at any time, during the five years prior to the date on which he/she submits his/her thesis or dissertation for examination, has been a member of staff of the University shall normally be examined by at least two and not more than three examiners, two of whom shall not be members of the academic staff of the University. Exemptions from this requirement may only be made by Senate on the recommendation of the Board of Studies concerned.
- (d) Candidates for jointly awarded research degrees shall be examined under arrangements approved by Senate, taking into account the provisions of paragraphs (b) and (c) above.
- (e) Procedures for the appointment of internal and external examiners are set out in the *Code of Practice on Research Degrees*.
- (f) A candidate's supervisor shall not be appointed as the internal examiner. Exemptions from this requirement may only be made by Senate on the recommendation of the Board of Studies concerned.

In such cases, two external examiners shall be appointed in addition to the internal examiner.

#### *Powers of Boards of Studies*

- To make recommendations to Standing Committee on Assessment acting on behalf of Senate on the appointment of internal and external examiners.
- To make recommendations to Standing Committee on Assessment acting on behalf of Senate on exemptions or exceptions to such arrangements.

#### 2.7.4 EXAMINATIONS

- (a) No candidate shall be admitted to any examination unless s/he has satisfied the requirements laid down in the Ordinances and Regulations, or has been exempted from any requirements by the Senate on the recommendation of the Board of Studies concerned.
- (b) Candidates for the award of the degrees of MPhil, PhD or EngD must present themselves for oral examination on the subject of their advanced study or research. Any exception to this requirement must be approved by the Standing Committee on Assessment acting on behalf of Senate on the recommendation of the Board of Studies and a special note on the circumstances in each individual case included in the Examiners' report.
- (c) An oral examination may be a specified programme requirement of an MA or MSc programme by research. Where not required by the programme, an oral examination may nevertheless be required for an individual candidate, at the discretion of the examiners, in order to ensure that the work submitted for examination is the candidate's own or that the candidate meets the standards required for the degree.
- (d) In cases of exceptionally poor presentation, the examiners may jointly recommend that a thesis shall be returned to the student for revision and resubmission prior to the oral examination, following the procedure set out in the Code of Practice. The period allowed to remedy deficiencies in the presentation of the thesis shall not normally exceed one month.

- (e) Following the oral examination the examiners may make one of the following recommendations:
- (i) that the candidate be awarded the degree with no corrections to the thesis being required;
  - (ii) that the candidate be awarded the degree subject to minor corrections being made to the thesis to the satisfaction of the examiners;
  - (iii) that the thesis should be referred for resubmission, after a further period of no more than twelve and no less than three months. A thesis may normally be referred on one occasion only. The thesis shall be re-examined, normally by the original examiners. The examiners may require a further oral examination;
  - (iv) that no degree should be awarded.

In the case of submissions for the award of PhD, the examiners may also recommend;

- (v) that the candidate should be awarded the degree of MPhil with no corrections to the thesis being required;
- (vi) that the candidate should be awarded the degree of MPhil subject to minor corrections being made to the thesis to the satisfaction of the internal or another of the examiners;
- (vii) that the thesis should be referred for resubmission, after a further period of no more than twelve and no less than three months, for the degree of MPhil. A thesis may normally be referred on one occasion only. The thesis shall be re-examined, normally by the original examiners. The examiners may require a further oral examination.

#### *Powers of Boards of Studies*

- To determine whether students have fulfilled award and programme requirements to permit entry to University assessments and make recommendations to Standing Committee on Assessment acting on behalf of Senate.
- To make recommendations to Standing Committee on Assessment acting on behalf of Senate on exemptions or exceptions to such arrangements.

## 2.7.5 GENERAL ASSESSMENT REQUIREMENTS

Students must follow all other examination requirements as set out in the *Code of Practice on Research Degrees*. Any student not complying with examination requirements may be deemed to have failed the assessment and may not be given a reassessment opportunity.

All materials submitted for assessment or forming part of an assessment process become the property of the University on receipt. The University may pass copies of assessment materials to third parties, but in so doing undertakes not to prejudice the rights, freedoms and legitimate interests of the student in accordance with relevant legislation.

The intellectual property contained in assessment materials remains with the originator, except where the provisions of Regulation 12.2 apply.

### *Powers of Boards of Studies*

- To determine whether students have fulfilled award and programme requirements to permit entry to University assessments.

## 2.7.6 MITIGATING CIRCUMSTANCES

Students are expected to attend scheduled examinations and submit theses and dissertations at the required time and date. If a student is unable to meet these requirements for good cause and would like this to be taken into account, s/he will need to submit a mitigating circumstances claim with supporting evidence, in advance where possible, to the relevant Board of Studies for consideration by Special Cases Committee, which can approve an alternative assessment date (see 2.7.2 above for time limits on extensions). Where medical, personal or compassionate circumstances interrupt a student's programme of study, and where they are unable to return and are unlikely to become able to return, the Board of Examiners may propose the award of an aegrotat degree, subject to the Policy included in the *Guide to Assessment, Standards, Marking and Feedback*.

## 2.7.7 ACADEMIC MISCONDUCT (see also Regulation 5.7)

The University is committed to developing high standards of academic practice among its students and to safeguarding the standards of its academic awards. It regards any form of academic misconduct as an extremely serious matter. Procedures for investigating academic

misconduct and the penalties to be applied where it has been committed are contained in *Academic Misconduct: Policies, Guidelines and Procedures for all programmes of study*.

All students are required to complete successfully the University's Academic Integrity Tutorial before the end of the first stage or year of their programme of study. Failure to comply with this regulation may result in termination of enrolment with the University.\*\*

#### *Powers of Boards of Studies*

- To follow the requirements of Boards of Studies and examiners in relation to the marking of assessments and the application of any further penalties as set out in *Academic Misconduct: Policies, Guidelines and Procedures for all programmes of study*.
- To make recommendations to the Senate for the termination of a student's enrolment or candidature for award in cases of severe or repeated cases of academic misconduct.

#### 2.7.8 GRANTING OF AWARDS

- (a) Research degrees will not be awarded or conferred until any minor corrections required by the examiners have been made to the satisfaction of the internal or another of the examiners, and until copies of the thesis or dissertation have been deposited in accordance with the requirements set out in the Code of Practice on Research Degrees.
- (b) No student may represent him or herself as holding an award of the University of York until such time as that award has been granted to him or her.
- (c) Before the receipt of an award parchment, all students are required to obtain and present clearance that all of their obligations to the University Library have been met.
- (d) Graduands will be presented for their degrees either in person, or in absentia, at a Congregation for the conferment of degrees. They are required to notify the Academic Registrar whether they intend to attend the Congregation.

\*\* This requirement to successfully complete the University's online Academic Integrity Tutorial does not apply to students on validated programmes.

- (e) Students attending a Congregation of the University for the conferment of degrees or granting of other awards are required to wear the dress prescribed for the occasion.

## 2.7.9 DEPOSIT AND AVAILABILITY OF THESES AND DISSERTATIONS AFTER EXAMINATION

Copies of theses and dissertations must be deposited with the University as specified in the *Code of Practice on Research Degrees*.

All theses and dissertations deposited shall normally be available for consultation and for reproduction (subject to normal conditions for acknowledgement). The author may request that the University Library withhold access and that none of the material contained in it should be reproduced, for a period not exceeding two years from the date on which it was deposited with the University.

## APPEALS

### 2.8 Academic Appeals and Hearings

Further guidance relating to academic appeals and hearings for students on taught programmes of study is available in Regulation 6.7.

#### 2.8.1 GENERAL PRINCIPLES REGARDING APPEALS

- (a) Responsibility for considering or hearing appeals by students has been delegated by the Senate to the Special Cases Committee (SCC).
- (b) Students may not appeal against the academic judgement of examiners or of the members of a thesis advisory panel.
- (c) Students wishing to exercise their right of appeal against a decision or recommendation reached by a Board or Studies or Board of Examiners must follow the procedure set out below.
- (d) In order for the decision against which the appellant is appealing to be reconsidered, the Chair of Special Cases Committee, acting on behalf of the Senate, will reach a decision on whether or not grounds for appeal have been established. This may involve a call for further information from either the appellant or other party before a view is formed. The procedure and timescale to be followed by the Chair is set out below in Regulation 2.8.4. Reasons will be stated where a decision that no grounds for appeal exist is reached.

- (e) If the Chair is unable to consider the appeal, it will be considered by an alternative member of the Committee acting on the Chair's behalf.
- (f) Where a student has also made a complaint under the University's complaints procedure and the outcome of that complaint might be relevant to consideration of an academic appeal, the Chair may decide that the appeal should be held in abeyance until consideration of the complaint under the complaints procedure has been completed in whole or in part.
- (g) Only a student about whom a decision has been made can lodge an appeal against that decision; appeals by third parties are not accepted.

## 2.8.2 RECOMMENDATIONS OR DECISIONS AGAINST WHICH AN APPEAL MAY BE CONSIDERED

A student may appeal against the following decisions or recommendations reached by a Board of Studies or thesis advisory panel:

- (a) that the degree for which the student was enrolled should not be awarded, but that the student should be required to re-sit an examination or to revise and resubmit a thesis or dissertation for re-examination for the award; and against the conditions on which such permission is given
- (b) a decision relating to the application of the *Academic Misconduct Policy and Procedures*
- (c) a recommendation that a student's enrolment should be terminated on the grounds that the student's performance is academically unsatisfactory
- (d) a recommendation that a student's enrolment should be terminated or transferred to another programme on the grounds that the student has failed to meet or comply with the requirements of an external organisation in which training or education is undertaken, or of an appropriate professional or regulatory body
- (e) a decision regarding student progression, including confirmation of a student's enrolment for the degree of PhD or EngD, programme transfer or suspension of studies.

### 2.8.3 GROUNDS FOR APPEAL AND CIRCUMSTANCES IN WHICH HEARINGS ARE HELD

- (a) An appeal against a recommendation concerning termination of enrolment (categories 2.8.2 (c) and 2.8.2 (d) above) or against a decision arising out of academic misconduct (see 2.8.2 (b) above) is always heard.
- (b) In all other cases, an appeal will only be heard if, in the judgement of the Chair of Special Cases Committee (or alternative deputising member), acting on behalf of Senate, evidence has been presented that the decision or recommendation concerned may be invalid. Where a case for an appeal has been established on these grounds, the Board of Studies concerned may be asked if it is prepared to reconsider its recommendation or decision without the need for a full Special Cases Committee hearing. Students retain the right to appeal against a subsequent recommendation or decision following such reconsideration if they are able to establish grounds for doing so.
- (c) Students may appeal against a decision reached as a consequence of assessment (category 2.8.2 (c) above) only if:
  - (i) they believe that a procedural irregularity has occurred, or that the assessment was conducted unfairly or improperly; or
  - (ii) for good reason, relevant mitigating circumstances can be shown that could not reasonably have been brought to the attention of the examiners before a decision on academic performance was reached.
- (d) Students may appeal against a decision not to recommend confirmation of PhD or EngD enrolment if
  - (i) they believe that a procedural irregularity has occurred or that the meeting of the thesis advisory panel was conducted unfairly or improperly; or
  - (ii) they believe that the academic supervision that received was seriously inadequate. In such cases, good reasons must be given for not having made known dissatisfaction with the supervision received before the meeting of the thesis advisory panel.
- (e) Students whose thesis or dissertation has been failed by the

examiners may appeal on the grounds that the academic supervision received was seriously inadequate. In such cases, good reasons must be given for not having made known dissatisfaction with the supervision received before the examination.

- (f) An appeal on the grounds of inadequacy of academic supervision may only be made in the circumstances outlined in (d) and (e) above.

#### 2.8.4 PROCEDURES FOR CONSIDERATION OF APPEALS, CONSTITUTION OF THE APPEAL PANEL AND FOR APPEAL HEARINGS

All procedures are set out in detail below

(a) *Procedure for lodging an appeal*

Students wishing to appeal must do so in writing to the Manager: Registry Services within four weeks of being notified of the recommendation or decision against which they wish to appeal. The appeal should detail the grounds of appeal from those listed in Regulation 2.8.3, and the evidence that the student wishes to be considered by the Special Cases Committee (SCC), and should identify the outcome sought.

(b) *Procedure for considering an appeal*

Except where a student wishes to appeal against a recommendation in Regulation 2.8.2( c), (e) or (f), an appeal may be heard only if, in the judgement of the Chair of the Committee:

- (i) the student has presented evidence that the recommendation or decision made by the Board of Studies or thesis advisory panel may be invalid, on one or more of the grounds specified above as permissible; and
- (ii) the evidence presented by the student is such that it might persuade the Committee to vary the recommendation or decision, or to refer it back to the Board of Studies or thesis advisory panel.

In considering an appeal, the Chair of the SCC may request information from relevant parties concerning any matter raised by the student.

The Chair of the SCC may ask the Board of Studies if, in the light of evidence presented by the student, it is prepared to reconsider its recommendation or decision, and the Board of Studies may agree to do

so without the appeal being heard at a full SCC hearing. The student will retain the right to appeal against a subsequent recommendation or decision.

The Chair of the SCC will give reasons for any decision that an appeal should not be heard.

Another member of the SCC may deputise for the Chair in considering an appeal.

A decision on whether or not an appeal may be heard will normally be made within six weeks of receipt of the appeal; a hearing will take place as soon as possible after a decision that an appeal should be heard.

(c) *Constitution of an appeal panel*

Appeals are heard by a panel of at least four members of the SCC. The members of the panel will not be members of the same department as the student concerned or have had involvement with the case.

(d) *Procedure for an appeal hearing*

Students whose appeals are to be heard may:

- (i) attend the hearing and present their case;
- (ii) be accompanied by an enrolled student or employee of the University and/or an officer of the Graduate Students' Association;
- (iii) make a written statement to the panel, including information from third parties, whether or not they choose to attend the hearing.

The appeal panel may invite evidence from any person whom it deems to be relevant to the case.

## 2.8.5 OUTCOMES OF AN APPEAL HEARING

As a result of an appeal hearing, the panel may decide:

- (a) to uphold or dismiss the appeal;
- (b) to uphold, dismiss or vary the recommendation or decision against which the appeal has been made. Where appropriate, consultation with relevant examiners will take place prior to a final decision;
- (c) to refer the matter back to the Board of Studies or Board of Examiners for reconsideration of the original recommendation or decision;

- (d) that the examination or assessment, or meeting of the thesis advisory panel, should be conducted anew; and that, if appropriate, one or more of the examiners should be replaced;
- (e) that the student should be permitted a re-assessment opportunity; or that the conditions on which such permission is given should be varied;
- (f) that the student should be allowed an additional period of time to prepare for a further meeting of the thesis advisory panel at which confirmation of PhD enrolment will be considered.

In every case the Committee or panel will give reasons for its decision. Students who remain dissatisfied with the outcome of an appeal lodged under this Regulation may be able to make a complaint to the Office of the Independent Adjudicator for Higher Education (OIAHE). Further information about the OIAHE is available on the website [www.oiahe.org.uk](http://www.oiahe.org.uk)

## **2.9 Regulations for PhD by Publication**

The degree of Doctor of Philosophy by Publication may be conferred by the University. To be admitted under these regulations a candidate shall:

- (a) have held a relevant first degree of this or of another university approved by the Senate for this purpose, or a qualification recognised by the Senate as equivalent, for at least four years before registering the intention to submit for the degree; or
- (b) have held a relevant masters degree of this or of another university approved by the Senate for this purpose, or a qualification recognised by the Senate as equivalent, for at least three years before registering the intention to submit for the degree, and
- (c) have held an appointment as a member of academic, research, administrative, library, computing or other related staff of the University for at least three years before registering the intention to submit for the degree, and
- (d) have presented work which has satisfied the examiners and which contains a substantial original contribution to knowledge or understanding.

2.9.1 A person wishing to submit work for the award of this degree shall first seek permission from the graduate school board of the department

concerned. If permission is given, the graduate school board shall appoint a member of staff as adviser. The adviser shall direct the preparation of the submission, including the writing of the integrative chapter that will accompany the publications. On the recommendation of the adviser, and with the approval of the graduate school board, the person may register an intention to submit work for the award of the degree.

- 2.9.2 Registration of an intention to submit must be made in writing to the Registrar and Secretary. Unless the University Teaching Committee approves otherwise, the work will be submitted for examination not less than three months and not more than twelve months after registration of the intention to submit.
- 2.9.3 A significant proportion of the work submitted for the award of the degree shall have been carried out during the period of employment at the University and during the eight years immediately preceding the registration of intention to submit.
- 2.9.4 A candidate may not submit work that has already been submitted, by the candidate or by another person, for a degree in this or any other university, except where the previously submitted work is explicitly identified, in a declaration signed by the candidate, as preliminary work from which the remaining work submitted has developed. The candidate must identify his/her contribution to the previously submitted work.
- 2.9.5 Where co-authored works are submitted, the candidate must provide a written statement, signed by the candidate and by one or more of the major contributory co-authors, specifying the candidate's individual contribution and the conditions and circumstances in which the work was carried out.
- 2.9.6 The work submitted shall be comparable in quantity to that submitted by a candidate for the degree of PhD by thesis, and
  - (a) shall have already appeared in print, or shall have been accepted for publication and be accompanied by an official, final acceptance which indicates that no further revision is required, or shall have been published on the website of the journal concerned in advance of publication in printed form. The evidence of acceptance for publication must be satisfactory to the departmental graduate school board concerned and to the examiners;

- (b) shall normally comprise a research monograph, one or more authored books or papers in refereed journals, or musical compositions. The inclusion of some material in the form of chapters in edited books shall be permitted;
- (c) shall be accompanied by an integrative chapter, not exceeding 10,000 words, which summarises the aims, objectives, methodology, results and conclusions of all the work submitted, and explains how it forms a coherent body of work and makes an original contribution to knowledge or understanding. The integrative chapter will also specify the candidate's contribution to the work submitted;
- (d) Two copies of the work should normally be submitted. The work will be in the form specified in the University's requirements for the presentation and binding of theses and dissertations, which are available at [www.york.ac.uk/admin/gso/exams/thesis/requirements.htm](http://www.york.ac.uk/admin/gso/exams/thesis/requirements.htm).

2.9.7 Every candidate for the degree shall be examined by at least two and not more than three examiners, two of whom shall not be members of the academic staff of the University.

- (a) Every candidate for the degree of PhD is required to present himself/herself for oral examination on the subject of his/her submitted work and on matters relevant to it, unless approval to dispense with the oral examination has been granted by the examiners and the University Teaching Committee. Wherever such dispensation is approved, the examiners must include a special note on the circumstances of each individual case in their report to the Senate.
- (b) If the examiners are of the opinion that a candidate examined by them has not attained the standard required for the degree, they may at their discretion recommend:
  - (i) the reference for resubmission of the integrative chapter, after a further period of not more than twelve nor less than three months; and/or the submission of additional work, within a period to be proposed by the examiners and approved by the University Teaching Committee; or
  - (ii) that the degree of MPhil be conferred upon the candidate; or
  - (iii) that no degree be awarded.

### **3 REGULATIONS FOR AWARDS RELATING TO TAUGHT PROGRAMMES OF STUDY (taught postgraduate, undergraduate and graduate)**

#### **Preamble**

This regulation governs taught programmes leading to University awards.

It distinguishes between two types of students:

**Category 1 students** – All undergraduate students enrolled at the University prior to Autumn 2010 and taught postgraduate students enrolled prior to Autumn 2011 in programmes which are not operating under the new modular scheme.

**Category 2 students** – All undergraduate and taught postgraduate students enrolled at the University, in programmes operating under the new modular scheme.

Details of awards of the University are given in **Appendix 1**.

Details of all programme specifications for programmes under the new modular scheme studied by Category 2 students are available at <http://cmsmigrate.york.ac.uk/students/studying/programme-specs/undergraduate/2010/>

Programmes for Category 2 students studying within the new modular scheme have new module codes (eg ECO00001C) where the first three letters identify the department and the last letter identifies the module level. Modules with this coding carry a 40% pass mark.

Category 1 students, who are studying on programmes in the previous modular scheme, have module codes (eg 2010015) that carry the 35% pass mark. Programme specifications for these programmes are available from relevant departments.

#### **AWARDS**

In order to qualify for such awards, students must:

- (a) Meet the specified entry requirements
- (b) Pursue the programme of study prescribed for the specified period of enrolment
- (c) Comply with supervision, residence and attendance requirements (see 3. 2, 3. below)

- (d) Meet credit requirements specified for each stage of the programme and for the final award (*this applies to Category 2 students*)
- (e) Fulfil all other progression and programme requirements specified, including successful completion of the University online Academic Integrity Tutorial.
- (f) Pay such fees or other sums as may be prescribed
- (g) Meet the specified assessment and examination requirements.

Failure to meet the requirements set out in (a) to (g) above may result in a student not being permitted to progress or enter for assessments or examinations for the specified award.

#### *Powers of Boards of Studies*

- To make recommendations to Standing Committee on Assessment acting on behalf of Senate for the granting of awards.
- To make recommendations to Standing Committee on Assessment acting on behalf of Senate for any exceptions to these requirements.

## **5 REGULATIONS ON ASSESSMENT**

### **5.1 Introduction**

### **5.2 Assessment regulations relating to the new modular scheme – Category 2 students**

### **5.3 Assessment regulations for undergraduate awards prior to the new modular scheme – Category 1 students**

### **5.4 Assessment regulations for awards relating to taught postgraduate programmes prior to the new modular scheme – Category 1 students**

### **5.5 General assessment requirements**

### **5.6 Mitigating Circumstances**

### **5.7 Academic Misconduct**

### **5.8 Granting of Awards**

## **5.1 Introduction**

Detailed assessment policies and procedures for all taught programmes are specified in the *Guide to Assessment, Standards, Marking and Feedback*.

Specific programme requirements relating to assessment are as approved by the University Teaching Committee on the recommendation of the Board of Studies concerned. For programmes governed by the new modular scheme, requirements are detailed in programme specifications.

## **5.2 Assessment Regulations for the new modular scheme – Category 2 students**

*These regulations relate to awards for taught programmes of study governed by the new modular scheme.*

- (a) Every module is summatively assessed using the appropriate mark scale. Credit for the module is awarded on passing a module's assessment(s). In defined circumstances, credit may be awarded for failed module(s) where the failure is compensated by achievement in other modules. Mark scales and requirements for the award of credit are set out in the *Guide to Assessment, Standards, Marking and Feedback*.
- (b) Stage requirements must be met before a student is permitted to progress to the next stage.
- (c) Where a student has failed modules as a result of failed or missed assessments, and there are no mitigating circumstances (see Regulation 5.6), and the stage requirements cannot be met, defined re-assessment opportunities are permitted on one occasion only. Re-assessment is defined as an opportunity to redeem failure for the award of credit to meet progression or award requirements. Re-assessment opportunities at each stage of every award are defined in the *Guide to Assessment, Standards, Marking and Feedback*.
- (d) Re-assessment opportunities may not be offered for some modules. Such modules must be clearly identified in programme specifications, as approved by the University Teaching Committee.
- (e) Compensation may not be available in relation to some modules (for example, to meet the requirements of professional, statutory or regulatory bodies). Such modules must be clearly identified in programme specifications, as approved by the University Teaching Committee.
- (f) Rules governing the assessment of learning that forms part of a programme of study but that takes place outside the University's

jurisdiction (for example, study abroad and work placements) are set out in the *Guide to Assessment, Standards, Marking and Feedback*.

- (g) Where a student cannot meet stage requirements through defined re-assessment opportunities and there are no mitigating circumstances (see Regulation 5.6), s/he will be discontinued. In such cases, a student may be eligible for an alternative award.
- (h) Candidates for awards will be considered by a Board of Examiners (see Ordinance 6) on the completion of assessments. Boards of Examiners may make one of the following recommendations:
  - (i) that the candidate be granted the intended award, having met the requirements as specified in the award and programme specification;
  - (ii) in the case of bachelors' honours and integrated masters' awards, the final award will be classified by the Board of Examiners in accordance with the scheme for classification as set out in the *Guide to Assessment, Standards, Marking and Feedback*. All other undergraduate awards are unclassified and awarded on a pass/fail basis;
  - (iii) in the case of taught masters' degrees and postgraduate diplomas, the final award may be granted with merit or distinction, in accordance with criteria set out in the *Guide to Assessment, Standards, Marking and Feedback*. All other taught postgraduate awards are awarded on a pass/fail basis;
  - (iv) that the candidate be granted a lower volume award, having failed to meet the requirements for the intended award but met the requirements for a lower volume award;
  - (v) that the candidate be granted re-assessment opportunities for the final stage of the programme as specified in the *Guide to Assessment, Standards, Marking and Feedback*;
  - (vi) where mitigating circumstances (see Regulation 5.6) apply, a range of options is available to the Board of Examiners including the granting of an aegrotat award. Full details are available in the *Guide to Assessment, Standards, Marking and Feedback*;
  - (vii) that no award be made.

- To specify in programme specifications modules for which compensation and/or re-assessment opportunities are not available, subject to the approval of University Teaching Committee.

### **5.3 Assessment regulations for undergraduate awards prior to the new modular scheme – Category 1 students**

- (a) Candidates for first degrees in subjects where they are required to pass assessments during the programme before proceeding to the remainder of the programme must pursue the appropriate course of study and satisfy the examiners in assessments as prescribed by the Board of Studies concerned.
- (b) A candidate who has failed an assessment for medical or compassionate reasons may, on the recommendation of the Board of Examiners and Board of Studies concerned, be granted an opportunity to redeem failure by re-assessment in whole or in part on one subsequent occasion not more than one year later and, where relevant, will be eligible for the award of a classified result.
- (c) A candidate who has failed an assessment without acceptable medical or compassionate reasons may, if the programme regulations allow and on the recommendation of the Board of Examiners and Board of Studies concerned, be granted an opportunity to redeem failure by re-assessment on one subsequent occasion not more than one year later. Such an opportunity may be provided while the degree programme is in progress only when a pass mark is required for a candidate to meet the requirements of an external accrediting body or to proceed on the programme. The maximum mark a re-assessment candidate can achieve is the pass mark. Students will not be permitted to be in residence nor be taught by University teachers before re-assessment unless arrangements are made for the re-assessment to be held in the term immediately following the original assessment. Such an opportunity may also be provided once a degree programme has been completed and when a candidate has failed in the degree programme as a whole; such candidates will be eligible only for the award of an ordinary degree and will not be permitted to be in residence nor be taught by University teachers before re-assessment.
- (d) A candidate who, in the opinion of the Board of Studies concerned,

has satisfactorily completed all the requirements of a programme but who, for medical or compassionate reasons, has been unable to take or complete assessments may, on the recommendation of the Board of Examiners and Board of Studies concerned, be considered eligible for the award of an aegrotat pass. Alternatively, the candidate may, on the recommendation of the Board of Examiners and Board of Studies concerned, be permitted to take or complete assessments at the next available and suitable opportunity and, where relevant, will be eligible for the award of a classified result.

- (e) In the case of a combined course candidate who fails assessment in one of the courses, the Combined Subject Board of Studies may take into account the performance of the candidate in both courses, before making a recommendation to the Standing Committee on Assessment acting on behalf of Senate.
- (f) Boards of Examiners and Boards of Studies may, in the light of compelling evidence, recommend the award of an aegrotat pass in circumstances other than those set out in (d) above provided that, in the opinion of the Board of Studies concerned, the candidate has satisfactorily completed all the requirements of the course.
- (g) In all cases where a recommendation for the award of an aegrotat pass is being submitted to the Special Cases Committee by a Board of Examiners and Board of Studies, the recommendation must be accompanied by a written statement of the circumstances including all relevant medical evidence. The Special Cases Committee will also require notification that sufficient evidence of the candidate's academic achievement has been presented to satisfy the external examiner(s) concerned. Recommendations for the award of an aegrotat pass may not be submitted after the Standing Committee on Assessment has met to approve the relevant assessment results.
- (h) A candidate who has fulfilled the requirements of the prescribed course of study and has satisfied the examiners for a first degree with Honours may be awarded the degree in one of the following classes:
  - (i) Class I
  - Class II Division i
  - Class II Division ii
  - Class III

- (ii) a candidate whom the examiners consider has not attained the standard required for the award of the degree with Honours may be awarded an ordinary degree unless this is specifically excluded by the programme specification as approved by the University Teaching Committee;
  - (iii) a candidate who has fulfilled the requirements laid down for the award of an aegrotat degree may be awarded the degree with Honours (Aegrotat) or, if the examiners consider the candidate has not attained the standard required, the ordinary degree (Aegrotat), unless this is specifically excluded within the programme specification as approved by the University Teaching Committee.
- (i) In all cases of candidates who have failed assessments, Boards of Studies should, where possible, submit appropriate recommendations concerning re-assessment, etc, at the same time as the assessment results are submitted for ratification.
  - (j) There is no appeal against the examiners' judgement on the academic quality of the assessments undertaken, but candidates who fail assessments have the right of appeal against the recommendations submitted by the Board of Studies concerned provided that the appeal is lodged in accordance with the procedure laid down for the Special Cases Committee.

N.B. Recommendations for the award of an aegrotat pass or for permission for re-assessment with residence are submitted first to the Special Cases Committee.

Recommendations on whether or not candidates should be permitted to undertake re-assessment without residence are submitted direct to the Senate unless an appeal is lodged by the candidate against the recommendation of the Board of Studies, in which case the recommendation and the appeal will be referred first to the Special Cases Committee.

#### **5.4 Assessment regulations for awards relating to taught postgraduate programmes prior to the new modular scheme – Category 1 students**

These regulations are determined, and held, by the relevant department

Board of Studies and Graduate School Board.

Details of the marking scheme applied to taught postgraduate awards are available in the *Guide to Assessment, Standards, Marking and Feedback*.

## 5.5 General assessment requirements

- (a) Students will be permitted to enter for University assessments only if they have fulfilled all other award and programme requirements to the satisfaction of the relevant Board of Studies.
- (b) With the approval of Senate, prior learning and achievement relevant to the programme concerned may be recognised through the award of credit. Parameters and procedures for this are specified in the Policy on the Accreditation of Prior Learning.
- (c) Applications for entry to University assessments must be submitted to the Registrar and Secretary by the required date. Students registering for assessments after the prescribed date may be required to pay a late entry fee.
- (d) Students on taught programmes must submit all assessed work relating to their programmes of study at the required location, date and time. Students who do not submit such assessed work at the required location, date and time may not be given a reassessment opportunity.
- (e) Attendance at required examinations is compulsory and any student who fails to present himself/herself for an examination at the time and place published by Registry Services, except when prevented from doing so by illness or other good cause, will be deemed to have failed but may be given a reassessment opportunity. Misreading of the examination timetable will not be regarded as 'good cause'.
- (f) Students must follow all other examination requirements as set out in the *Guide to Assessment, Standards, Marking and Feedback*, including providing the necessary identification and following the instructions of examination invigilators. Any student not complying with examination requirements may be deemed to have failed the assessment and will not be given a reassessment opportunity.

- (g) Where an examination is not being taken simultaneously by all candidates, arrangements shall be made to ensure that there is no communication between candidates during the relevant period.
- (h) Students who fail a University assessment with no mitigating circumstances (see Regulation 5.6), and are permitted to undertake re-assessment are required to pay a re-assessment fee as specified in the *Guide to Assessment, Standards, Marking and Feedback*.
- (i) All materials submitted for assessment or forming part of an assessment process become the property of the University on receipt. The University may pass copies of assessment materials to third parties, but in so doing undertakes not to prejudice the rights, freedoms and legitimate interests of the student in accordance with relevant legislation.
- (j) The intellectual property contained in assessment materials remains with the originator, except where the provisions of Regulation 12.2 apply.
- (k) *Exceptions to examination arrangements*  
The Standing Committee for Assessment may give permission for exceptions to examination arrangements in individual cases where there is good cause. Where exceptions are approved, the same examination procedures (for example, in relation to invigilation) will apply.

#### *Powers of Boards of Studies*

- To determine whether students have fulfilled award and programme requirements to permit entry to University assessments.

**Assessment regulations for Category 2 students are set out in the *Guide to Assessment, Standards, Marking and Feedback*.**

## **5.6 Mitigating circumstances**

Students are expected to attend scheduled examinations and submit assessments at the required time and date. If a student is unable to meet these requirements for good cause and would like this to be taken into account, s/he will need to submit a mitigating circumstances claim, in advance of the assessment date wherever possible, with supporting evidence in accordance with the *Mitigating Circumstances Policy and*

*Procedure.* This procedure should also be followed in cases where a student has met the requirements for attendance at examinations and/or submission of assessments but the work has been affected by mitigating circumstances.

*Powers of Boards of Studies*

- To make decisions on recommendations made by Mitigating Circumstances Committees in accordance with the *Mitigating Circumstances Policy and Procedure*

## 5.7 Academic misconduct

The University is committed to developing high standards of academic practice among its students and to safeguarding the standards of its academic awards. It regards any form of academic misconduct as a very serious matter.

- (a) All students are required to complete successfully the online University Academic Integrity Tutorial before the end of the first stage or year of their programme of study as specified in Regulations 2.6 (c) and 6.5 (c). Failure to comply with this regulation may result in termination of enrolment with the University.
- (b) Plagiarism detection software packages may be used at the University's discretion to detect unfair practice in student submissions. As part of the academic community, students accept that work they submit for assessment may be submitted to these software packages. Further information relating to how such software is used can be found in the University's Data Protection Statement, the Academic Integrity website and departmental handbooks.
- (c) Procedures for investigating academic misconduct and the penalties applied where it has been committed are contained in Academic Misconduct: Policies, Guidelines and Procedures for all programmes of study.
- (d) Students must not, at any stage of their programme:
  - (i) **cheat** ie fail to comply with the rules governing assessments eg by making arrangements to have unauthorised access to information;

- (ii) **collude** ie assist another student to gain an advantage in relation to assessment by unfair means, or receive such assistance
  - (iii) **fabricate** ie mislead the examiners by presenting work for assessment in a way which intentionally or recklessly suggests that factual information has been collected which has not in fact been collected, or falsifies factual information;
  - (iv) **personate** ie act, appear, or produce work on behalf of another candidate in order to deceive the examiners, or solicit another individual to act, appear or produce work on their own behalf;
  - (v) **plagiarise** ie incorporate within their work without appropriate acknowledgement material derived from the work (published or unpublished) of another;
  - (vi) **deceive** ie intentionally or recklessly present fabricated or misleading information (eg, relating to medical and compassionate circumstances) in order to gain advantage in regard to an assessment or progression or procedural requirements.
- (e) Where research is undertaken as part of a candidate's programme, whether this is a taught or research programme, the following are also regarded as forms of academic misconduct, in relation to assessed work and published material or material submitted for publication or to funding bodies:
- (i) **unethical behaviour in the conduct of research**, including failure to obtain appropriate permission to conduct research, unauthorised use of information which was acquired confidentially, or failure to acknowledge work conducted in collaboration;
  - (ii) **fabrication** (as defined above), falsification, distortion or corruption of research data or research outcomes;
  - (iii) **dishonest interpretation of results**, publication of data known or believed to be false or misleading, deliberate misquotation or misrepresentation of the work of others, inappropriate attribution of authorship or plagiarism (as defined above);

- (iv) **deception in making research proposals**, fraud or misuse of research funds or equipment.

#### *Powers of Boards of Studies*

- The powers of Boards of Studies and examiners in relation to the marking of assessments and the application of any further penalties are set out in *Academic Misconduct: Policies, Guidelines and Procedures* for all programmes of study.
- To make recommendations to the Special Cases Committee for the termination of a student's enrolment or candidature for award in cases of severe or repeated cases of academic misconduct.

### **5.8 Granting of Awards**

- (a) No student may represent him or herself as holding an award of the University of York until such time as that award has been granted to him or her.
- (b) Before the receipt of an award parchment, all students are required to make suitable arrangements with the Finance Department for the clearing of all tuition fee debts.
- (c) Graduands will be presented for their degrees either in person, or in absentia, at a Congregation for the conferment of degrees. They are required to notify the Academic Registrar whether they intend to attend the Congregation.
- (d) Students attending a Congregation of the University for the conferment of degrees or granting of other awards are required to wear the dress prescribed for the occasion.

## **6 GENERAL ACADEMIC REGULATIONS AND PROCEDURES FOR STUDENTS ON TAUGHT PROGRAMMES**

These regulations apply to all students on taught programmes of study leading to undergraduate, postgraduate and graduate awards

as specified in Appendix 1.

- 6.1 Entry requirements**
- 6.2 Enrolment requirements**
- 6.3 Supervision**
- 6.4 Residence and attendance**
- 6.5 Progress and programme transfers**
- 6.6 Suspension of enrolment**
- 6.7 Appeals**
- 6.8 Re-admission**

## **6.1 Entry Requirements**

To be admitted to a taught programme of study, a candidate must:

- (a) have reached the age of 17 on the first day of the month in which his/her programme of study would commence. Candidates who have reached the age of 17 but not 18 will only be admitted with the written authorisation of an appropriate adult, normally their parent or guardian. Anyone who has not reached the age of 17 on the first day of the month in which their programme of study would commence will not be admitted without the Registrar and Secretary, or his / her nominee, being made aware of such admission and must obtain the written authorisation of an appropriate adult, normally their parent or guardian and inform the Registrar and Secretary, in writing, of such authorisation.
- (b) meet other programme entry requirements specified by the Board of Studies.

*Powers of Boards of Studies*

- To specify entry requirements for relevant taught programmes.

## **6.2 Enrolment requirements**

- (a) Enrolment periods for awards relating to taught programmes are set out in the relevant programme specification, as approved by University Teaching Committee.
- (b) This includes parameters for reductions (through application of the

*Policy on the Accreditation of Prior Learning and the award of credit and extensions.*

- (c) Programme requirements, including variations to enrolment requirements, are as approved by the University Teaching Committee on the recommendation of the Board of Studies concerned. These are set out in relevant departmental documents.
- (d) Students enrolled for an award may only be enrolled at the same time for a qualification at this or another institution, if such enrolment forms part of an approved programme of study involving another institution or institutions.

- (e) Students are not permitted to count the same period of enrolment for more than one award.

(f) *Paid employment*

Students enrolled on full-time programmes may undertake a maximum of twenty hours of paid employment per week. This maximum is subject to any restrictions imposed by the student's sponsor or funding body and the approval of his/her supervisor. Exceptions to these requirements may be made by University Teaching Committee (at the programme level) or the Board of Studies (at the programme level) on the recommendation of the Board of Studies or Supervisor respectively, for certain categories of employment closely related to the programme of study.

It shall be a condition of whatever arrangements are made regarding paid employment, residence and attendance that regular supervision will be provided for.

(g) *Exceptions*

Exceptions regarding the above may only be made by the University Teaching Committee on the recommendation of the Board of Studies.

*Powers of Boards of Studies*

- To recommend to University Teaching Committee for approval requirements for taught programmes.
- To recommend to University Teaching Committee any exceptions to the specified award and enrolment requirements, including those relating to the accreditation of prior learning.

### 6.3 Supervision

Students on taught programmes are allocated a supervisor who must be a member of University staff. An additional supervisor (who is not necessarily an academic member of staff of the University) may be appointed where desirable.

Students must attend supervisory meetings (or participate in alternative arrangements in the case of distance learning programmes) in accordance with their department's supervision policy. For undergraduate students, supervisory meetings usually take place at least once per term.

#### *Powers of Boards of Studies*

- To specify alternatives to face-to-face meetings between students and supervisors – for example, in the case of distance learning programmes
- To recommend to Senate programme-level exceptions to supervisory requirements.

### 6.4 Residence and attendance

- (a) Students must normally live within reasonable travelling distance of their designated place of instruction for the duration of designated periods of study. For the purpose of the regulations, this will be interpreted as being within 30 miles of their designated place of instruction for full-time students and 60 miles for part-time students. Where fieldwork or practice placements constitute part of a programme of study, these locations may be regarded as the designated place of instruction.
- (b) Students may be absent from their designated place of instruction during periods of study provided they are not away at any time at which academic engagements have been arranged. Students are responsible for seeking approval for absences at other times from their supervisor or, in the supervisor's absence, the Chair of the Board of Studies concerned.
- (c) "Designated periods of study" will usually equate to University terms. Exceptions to this will be recorded as programme requirements in departmental documentation.
- (d) *Exceptions: distance learning programmes*  
Students on distance learning programmes are expected to

demonstrate attendance through participation in all designated academic engagements.

(e) *Exemptions*

Students seeking exemptions from residence or attendance requirements for up to four weeks on medical or other reasons should follow the procedure set out in the Mitigating Circumstances Policy. This also includes a procedure for self-certification for short periods of absence due to ill-health.

(f) It shall be a condition of any arrangements that are made regarding paid employment, residence and attendance that regular supervision will be provided for.

*Powers of Boards Studies*

- To define designated places of instruction.
- To define designated periods of study where these do not correspond with University terms.
- To define the academic engagements required for programmes of study
- To define exceptions to residence and attendance requirements in programme documentation, as approved by Senate.
- To approve exemptions or recommend exemptions to residence or attendance requirements to Senate in accordance with the Mitigating Circumstances Policy.

## **6.5 Progress and programme transfers**

(a) Students must meet progression requirements as specified in the University regulations and in programme documentation. Students who fail to meet progression requirements will not be permitted to continue and their enrolment with the University may be terminated or they may be permitted to transfer to another programme.

Recommendations from the Board of Studies relating to the achievement of progression requirements are to be made and considered by the Standing Committee on Assessment acting on behalf of Senate; at this point a decision will be made.

Students may appeal against decisions on academic progress and programme transfer. Such appeals can be made to Special Cases Committee (see Regulation 6.7 below).

- (b) Students following a programme leading to a professional qualification must comply with the requirements of the external organisations in which training and education is undertaken and/ or with the requirements of appropriate professional and regulatory bodies. Students who fail to meet such requirements will not be permitted to continue and their enrolment with the University may be terminated or they may be permitted to transfer to another programme. Further details are specified in the University's *Fitness to Practise Policy*.
- (c) All students are required to complete successfully the online University Academic Integrity Tutorial before the end of the first stage or year of their programme of study as specified in Regulations 2.6(c) and 5.7. Failure to comply with this regulation may result in termination of enrolment with the University.
- (d) Plagiarism detection software packages may be used at the University's discretion to detect unfair practice in student submissions. As part of the academic community, students accept that work they submit for assessment may be submitted to these software packages. Further information relating to how such software is used can be found in the University's Data Protection Statement, the Academic Integrity website and departmental handbooks.
- (e) Procedures for investigating academic misconduct and the penalties applied where it has been committed are contained in *Academic Misconduct: Policies, Guidelines and Procedures* for all programmes of study.
- (f) All cases of students who, in the opinion of the Board of Studies concerned are academically unsatisfactory, other than in the circumstances described above, shall be referred to Special Cases Committee for consideration. All relevant evidence about the student concerned shall be made available to Special Cases Committee, whose decision in each case will be final.
- (g) *Requests to transfer enrolment*
  - (i) Students wishing to transfer their enrolment to a different

programme of study must obtain the approval of the relevant Board of Studies.

- (ii) Where a transfer of enrolment requires exemption from an assessment requirement or the repeat of programme elements already studied, the approval of Special Cases Committee is also required.

## 6.6 Suspension of Enrolment

Students enrolled on taught programmes may seek permission to suspend their enrolment for a period that will not subsequently be counted towards their award. The circumstances under which suspensions may be considered and the procedure to be followed are set out in the documentation for applying for leave of absence. Permission to suspend enrolment may be subject to any restrictions imposed by a student's sponsor or funding body.

### *Powers of Boards of Studies*

- To make recommendations, using the relevant documentation, to Special Cases Committee regarding suspension of enrolment for individual students.

## 6.7 Academic Appeals and Hearings

Further guidance relating to academic appeals and hearings for students on taught programmes of study is available in *Procedures for Students on Taught Programmes – Academic Appeals and Hearings*.

### 6.7.1 GENERAL PRINCIPLES REGARDING APPEALS

- (a) Responsibility for considering or hearing appeals by students has been delegated by the Senate to the Special Cases Committee (SCC).
- (b) Students wishing to exercise their right of appeal against a decision or recommendation reached by a Board of Studies, Board of Examiners or Mitigating Circumstances Committee must follow the *Procedures for Students on Taught Programmes – Academic Appeals and Hearings*.
- (c) In order for the decision against which the appellant is appealing to be reconsidered, the Chair of SCC, acting on behalf of the Senate, will reach a decision on whether or not grounds for appeal have

been established. This may involve a call for further information from either the appellant or other party before a view is formed. The procedure and timescale to be followed by the Chair is set out in the Procedures for Students on Taught Programmes – Academic Appeals and Hearings. Reasons will be stated where a decision that no grounds for appeal exist is reached.

- (d) If the Chair is unable to consider the appeal, it will be considered by an alternative member of the Committee acting on the Chair's behalf.
- (e) Students may not appeal against the academic judgement of examiners.
- (f) Where a student has also made a complaint under the University's complaints procedure and the outcome of that complaint might be relevant to consideration of an academic appeal, the Chair may decide that the appeal should be held in abeyance until consideration of the complaint under the complaints procedure has been completed in whole or in part.
- (g) Only a student about whom a decision has been made can lodge an appeal against that decision; appeals by third parties are not accepted.

#### 6.7.2 RECOMMENDATIONS OR DECISIONS AGAINST WHICH AN APPEAL MAY BE CONSIDERED

A student may appeal against the following decisions or recommendations reached by a Board of Studies or Board of Examiners:

- (a) decisions reached as a consequence of assessment of a student's academic performance, including those relating to the outcomes for awards, pass/fail or processing of individual marks;
- (b) decisions reached on whether or not, and on what conditions, those who have failed an examination or other assessment should be permitted a re-assessment opportunity;
- (c) decisions concerning student progression, programme transfer or suspension of studies;
- (d) a recommendation that a student's enrolment should be terminated on the grounds that the student is academically unsatisfactory;
- (e) a recommendation that a student's enrolment should be terminated

or transferred to another programme on the grounds that the student has failed to comply with the requirements of an external organisation in which training or education is undertaken, or of an appropriate professional or regulatory body;

- (f) other decisions concerning requirements of professional or regulatory bodies in relation to the *Policy on Fitness to Practise*;
- (g) decisions relating to the application of the *Academic Misconduct Policy and Procedures*.

### 6.7.3 GROUNDS FOR APPEAL AND CIRCUMSTANCES IN WHICH HEARINGS ARE HELD

- (a) An appeal against a recommendation concerning termination of enrolment, other than where triggered by failure to meet the progression requirements, is always heard.
- (b) In all other cases, an appeal will only be heard if, in the judgement of the Chair of SCC (or alternative deputising member), acting on behalf of Senate, evidence has been presented that the decision or recommendation concerned may be invalid. Where a case for an appeal has been established on these grounds, the Board of Studies, Board of Examiners or Mitigating Circumstances Committee concerned may be asked if it is prepared to reconsider its recommendation or decision without the need for a full Committee hearing. Students retain the right to appeal against a subsequent recommendation or decision following such reconsideration if they are able to establish grounds for doing so.
- (c) Students may appeal against a decision reached as a consequence of assessment only if (a) they believe that a procedural irregularity has occurred, or that the assessment was conducted unfairly or improperly; or (b) if for good reason, relevant mitigating circumstances can be shown that could not reasonably have been brought to the attention of the examiners before a decision on academic performance was reached. Further information on mitigating circumstances can be found in the *Mitigating Circumstances Policy*.
- (d) Taught postgraduate students (Categories 1 and 2) may appeal, on the grounds that academic supervision received was seriously inadequate, against a decision reached as a consequence of assessment where their dissertation or research project has been

failed by the examiners. In such cases, good reasons must be given by the student for not having made known their dissatisfaction with the supervision received before the submission of assessment.

- (e) An appeal on the grounds of inadequacy of academic supervision may only be made in the circumstances outlined in (d) above and not in relation to the outcome of the award.

#### 6.7.4 PROCEDURES FOR CONSIDERATION OF APPEALS, CONSTITUTION OF THE APPEAL PANEL AND FOR APPEAL HEARINGS

- (a) All procedures are set out in detail in the *Procedures for Students on Taught Programmes – Academic Appeals and Hearings*.
- (b) Appeal panels are constituted in accordance with the *Procedures for Students on Taught Programmes – Academic Appeals and Hearings*. The members of the panel will not be members of the same department as the student concerned or have had involvement with the case, other than in relation to the initial decision.
- (c) Students whose appeals are to be heard may:
  - (i) attend the hearing and present their case
  - (ii) be accompanied by a relevant individual as specified in the *Procedures for Students on Taught Programmes – Academic Appeals and Hearings*
  - (iii) make a written statement to the panel, as specified in the *Procedures*, whether or not they choose to attend the hearing.
- (d) The appeal panel may invite evidence from any person whom it deems to be relevant to the case.

#### 6.7.5 OUTCOME OF AN APPEAL HEARING

As a result of an appeal hearing, the panel may decide:

- (a) to uphold or dismiss the appeal;
- (b) to uphold, dismiss or vary the recommendation or decision against which the appeal has been made. Where appropriate, consultation with competent examiners will take place prior to a final decision;

- (c) to refer the matter back to the Board of Studies, Board of Examiners or Mitigating Circumstances Committee for reconsideration of the original recommendation or decision;
- (d) that the examination or assessment should be conducted anew; and that, if appropriate, one or more of the examiners should be replaced;
- (e) that the student should be permitted a re-assessment opportunity; or that the conditions on which such permission is given should be varied;

In every case the Committee or panel will give reasons for its decision.

Students who remain dissatisfied with the outcome of an appeal lodged under this Regulation may complain to the Office of the Independent Adjudicator for Higher Education (OIAHE). Further information about the OIAHE is available on the website [www.oiahe.org.uk](http://www.oiahe.org.uk)

## 6.8 Re-admission

- (a) Applications for admission received through UCAS from students who have failed a University examination at another university shall be considered in the normal way, and may be accepted without special reference to the Senate (Special Cases Committee).
- (b) Applications for admission from students whose enrolment with the University has been terminated as academically unsatisfactory must, if approved by the Board of Studies concerned, be submitted as recommendations to the Special Cases Committee.

*In cases (c) to (e) below, applications for admission must be submitted as recommendations from the Board of Studies to the Special Cases Committee if the student is seeking admission to the same, or any of the same, subject(s) s/he studied previously at York or if the student has already twice been admitted to a first year at York. Otherwise they may be accepted directly by the Board of Studies concerned.*

- (c) Applications for admission received through UCAS from students whose enrolment at York has been terminated through failure to progress.
- (d) Applications for admission by transfer to another department the following October from students who have failed a University

examination.

- (e) Applications for admission from students who have withdrawn from the University.

## **7 STUDENT DISCIPLINE**

The University owes a duty of care towards its students and staff. We strive towards a community in which individuals accept their obligations and responsibilities to the whole in order to enable all to live, learn and research in a peaceful and supportive environment. Discipline is important in safeguarding the University community as a whole and promoting well-being, equality and fairness. This community extends beyond the bounds of the University campus. The scope of this regulation can include, but is not limited to, incidents on University related business or events, or between students.

### **7.1 Disciplinary Offences**

Disciplinary offences are unjustified or illegal actions which cause, or may cause, injury, harm or damage to members of the University or the public, its visitors or its property, activities or reputation. They include actions which obstruct or prevent the proper functioning of the University or impede any member of it from pursuing their study, or at work whether on campus or on placement. They may be perpetrated intentionally, recklessly or negligently and include but are not limited to:

- breach of any University ordinance or regulation (including this regulation or failure to comply with its procedures or any sanctions imposed) or failure to observe provisions of any University code or policy, as amended or updated from time to time
- any action likely to cause injury to anyone on University premises
- serious interference with University work or work of its staff, students or visitors
- harassment or other inappropriate behaviour towards staff or students including via e-mail, telephone and writing or through use of internet social networks or similar sites
- inappropriate posting or distributing of advertising or other unsolicited materials or notices on University premises

- fraud, deception or dishonesty towards the University, its members or visitors
- theft or misuse of University property or participation in wilful or negligent damage to such property or that of others on University premises and/or failure to make good such damage, or misuse of premises via serious or persistent breach of parking rules
- possession, storage, sale, use or misuse of any controlled drug (defined by the Misuse of Drugs Act 1971 as amended from time to time)
- possession and/or use of a rifle or gun, including airgun, and/or offensive or dangerous weapon on University premises
- disorderly, riotous, violent, indecent, intimidating or offensive behaviour or language, whether or not there is any criminal charge or conviction for this
- conduct likely to bring the University into disrepute (including repetitious antisocial activities, noise and general nuisance, or making libellous statements or unfounded allegations against the University on social networks or other sites) on University premises or in public places or within the local community or at other institutions, such as when abroad pursuant to a course requirement or on work placement – including impeding the work of a placement provider; or in any circumstances where a student is representing the University or a University of York student society
- failure to disclose a relevant criminal conviction incurred before or whilst registered as a student at the University, or during a period of leave of absence. A relevant criminal conviction for these purposes means one requiring to be disclosed by UCAS under their criteria as may be amended from time to time. ('Relevant' is currently defined by UCAS as criminal offences involving any kind of violence, offences concerning the intention to harm or resulting in actual bodily harm, the unlawful supply of controlled drugs or substances, where the conviction concerns commercial drug dealing or trafficking, offences involving firearms, arson or those listed in the Sex Offences Act 2003 or the Terrorism Act 2006.) No disclosure is usually required of motoring offences attracting fines/ maximum 3 penalty points or 'spent' convictions under the Rehabilitation of Offenders Act 1974. Some programmes (eg Medicine, Health Sciences, Social Work)

are exempt from the Rehabilitation of Offenders Act and students are required to disclose spent or unspent convictions. Disclosures should be made in writing to the Academic Registrar at the earliest opportunity. Failure to disclose could jeopardise the student's enrolment status.

- failure to comply with any disclosure requirements for courses leading to membership of a profession/professional body and/or for Fitness to Practise considerations (which requirements normally include disclosure of 'spent' convictions)

## **7.2 Disciplinary Process**

### **7.2.1 INTERIM SUSPENSION AND EXCLUSION**

- (a) Under Statute 6.5, the Vice-Chancellor has power to suspend a student from any class/classes and to exclude a student from any part of the University or its precincts, subject to reporting this to Council. The Vice-Chancellor has delegated this power to the Deputy and Pro Vice-Chancellors, who may take this action in consultation with the Registrar and Secretary where he or she perceives that the continued presence of a student at the University may pose a significant danger to that student and/or other students or members of the University or to University property, and may require the student to withdraw immediately for a stipulated period. During that time, the student may return to the University to attend any relevant disciplinary hearing or with the prior express permission of the Deputy or Pro Vice-Chancellor, which may be subject to specified conditions as the Deputy or Pro Vice-Chancellor deems to be appropriate.
- (b) If, arising from such hearing, the student is excluded temporarily or permanently from the University, such exclusion shall apply pending the outcome of any appeal.

### **7.2.2 POLICE/COURT PROCEEDINGS**

- (a) If the police proceed against a student in relation to a matter which may be or has become the subject of disciplinary procedure under this regulation, the University may suspend the student and elect not to progress further such procedure (other than under 7.2.1) pending the outcome of police investigations and/or the

completion of any criminal judicial process. Less usually but in relevant circumstances, the University may also suspend the student and not progress further under this regulation pending the outcome of relevant civil proceedings.

- (b) If the police issue a student with a police warning or caution or if they decide to proceed no further in relation to a matter which may be or has become the subject of disciplinary procedure under this regulation, then the University may, if it deems fit, proceed under the provisions of this regulation. (The student may wish to have recourse to the support services generally made available to students by the University)
- (c) If a case relating to a matter which may be or has become the subject of disciplinary procedure under this regulation, is referred to a court of law, the University may await the outcome of that and once the decision of a court of law is issued, then:
  - (i) in the event of the student being found not guilty, the University shall decide whether or not to take further action under this regulation, taking into account such factors as whether any threat is posed to other students or staff at the University;
  - (ii) in the event that the student is found guilty and a non-custodial sentence is imposed by the court of law, the University may decide, in addition, to take disciplinary proceedings under this regulation;
  - (iii) in the event that a student is found guilty and a custodial sentence is given, the student may have his or her current registration terminated or suspended. If the student later applies to be re-admitted, the Registrar and Secretary shall in consultation with the Deputy or Pro Vice-Chancellor consider this and determine whether to grant this request and, if so, whether any additional penalties or conditions shall attach to such re-admittance. If a student wishes to appeal the outcome of a decision to readmit them this would be referred by the Registrar and Secretary to three members of the Senior Management Team who have not been involved in the case for further consideration.

### 7.2.3 PROCEDURE FOR INVESTIGATING DISCIPLINARY OFFENCES

- (a) Allegations of any suspected offence under this regulation shall first be investigated, where such offence relates to a breach of college rules, by the Head of the College concerned or, if such offence relates to departmental regulations or similar matters, by the relevant Head of Department, or otherwise (including if the relevant Head of Department or College so elect) by the Registrar and Secretary (all being Investigating Officers authorised by the University to give certain penalties and directions as specified below).
- (b) The initial investigation may include a preliminary interview with any parties involved. If it is found that there is a case to answer, the Investigating Officer shall investigate further as he or she deems appropriate and reach a decision taking into account the circumstances and evidence available.
- (c) Proceedings shall be conducted without undue delay, giving the student notice of any proceedings, details of allegations and opportunity to make representations and/or rebut arguments or evidence brought against him or her. Any decision will be delivered with reasons as fast as is reasonable, having due regard to natural justice.
- (d) Any hearings seen fit to be taken under this regulation shall be in private (ie not in a public place). Those conducting any hearing shall decide whether or not students who are the subject of disciplinary procedure and any relevant witnesses or alleged victims shall appear together or separately in any hearing. Strict rules of evidence shall not apply to such hearings, but these shall be conducted with regard to rules of natural justice. Hearings may take place in the absence of the student concerned, provided that reasonable steps to inform the student of the hearing have been taken (though the University may agree to a prior request to change hearing dates if for good reason, such as ill-health, a student or supporter cannot attend any date originally set).
- (e) Students may seek independent advice and support from York University Students' Union (YUSU) and/or the Graduate Students' Association (GSA) as appropriate. At any hearing, a student may be accompanied by one of either a registered student or employee of the University, or (if an undergraduate) the Academic and Welfare Coordinator or other similar sabbatical officer of YUSU, or (if a

postgraduate) the Representation, Advice or Welfare Coordinator or other similar officer or staff member of GSA. However, any such accompanying person cannot represent the student or attend if the student is not present in person, or be a co-accused or witness to any alleged offence.

- (f) A student on placement or away for other study reasons may be required to return for purposes of any disciplinary investigation and shall do so promptly on request.
- (g) Where a disciplinary offence is denied but found as a result of investigation to have been committed, the student may give a statement in mitigation before a penalty is given.
- (h) On reaching any decision relating to a disciplinary offence in a College, the relevant Head of College may fine individual students up to £250 and/or exclude any student for up to three days from any relevant College facility.
- (i) On reaching any decision relating to a breach of departmental regulations including the student's obligations under regulation 2.5 and 6.4 and/or similar matters, the relevant Head of Department may fine individual students up to £250 and/or exclude any student for up to three days from any relevant department, laboratory, library or other study area.
- (j) In reaching a decision in a matter, the Registrar and Secretary (who may elect to appoint a nominee to act on his or her behalf, and at his or her discretion consult with any relevant Head of Department, Head of College or supervisor), may fine a student up to £250 and/or exclude a student for up to 3 days from a relevant department, laboratory or other study area.
- (k) In addition to a fine, students found to have perpetrated disciplinary offences may be directed by the relevant Investigating Officer to pay compensation to cover some or all of the cost of any damage caused by his or her offence and/or to offer an apology to anyone who has suffered from such offence.
- (l) Failure to pay any fine imposed, or to respect an exclusion, could be treated as a separate disciplinary offence.
- (m) All Investigating Officers may at any stage in the investigation, where they regard it as reasonably appropriate and, following

consultation with the Registrar and Secretary, recommend that the Deputy or Pro Vice-Chancellor consider exercising his or her power to suspend or exclude under Statute 6.5, in addition to the powers they have to impose sanctions, as referred to above.

- (n) The University may involve the police in any incident it deems appropriate and notify the Independent Safeguarding Authority of conduct raising concerns of harm/risk of harm to minors or vulnerable adults.
- (o) These proceedings may operate in conjunction with other University Proceedings, such as those relating to Academic Misconduct, Fitness to Practise and Harassment.
- (p) References to students include full-time and part-time students, students studying abroad and students externally registered for examinations.

#### 7.2.4 APPEAL AND IMPOSING OTHER PENALTIES

- (a) Where a student wishes to contest a decision made by a Head of Department or College and/or penalty under 7.2.3, he or she may appeal by written notice to the Deputy Vice-Chancellor within fourteen days of the date of the decision. The Deputy Vice-Chancellor shall then appoint another senior member or officer of the University (other than any Investigating Officer previously involved in the matter) to look into the appeal, giving opportunity to the student to submit written representations upon the decision and/or penalty. The appointee shall report to the Deputy Vice-Chancellor with recommendations, which the Deputy Vice-Chancellor shall consider in reaching a final decision on the appeal (to be notified to the student in writing as soon as reasonably possible).
- (b) If any Investigating Officer reaches a finding that he or she regards as meriting a penalty which he or she is not authorised to impose, he or she can refer the case to the Deputy Vice-Chancellor who may act in accordance with powers of suspension and exclusion under Statute 6.5.
- (c) In determining any appeal, the Deputy Vice-Chancellor may (i) confirm the findings and penalty or (ii) confirm the findings in whole or in part but increase or decrease or modify the penalty or

- (iii) uphold the appeal and quash the previous decision.
- (d) Where a student remains unhappy with the outcome of their appeal to the Deputy Vice-Chancellor under (c) they may take their case to the Office of the Independent Adjudicator (subject to that Office's rules on eligibility).

## **8 ENROLMENT, ACCOMMODATION AND PAYMENT OF FEES**

### **8.1 Enrolment**

- (a) All students are required to enrol at the start of each academic year of their programme of study and following any period of suspension of studies. Students who fail to enrol by 5.00 p.m. on the first Friday of the session and who are unable to present satisfactory evidence of inability to do so have to pay a late enrolment fee.
- (b) For certain professional courses, students are required to provide details of their medical history before enrolling with the University.

### **8.2 Accommodation**

- (a) Stability is necessary to protect the University against financial loss if rooms are left unoccupied, and to avoid difficulties for the University Accommodation Officer in finding and retaining outside accommodation for students. The following regulations are designed to manage the accommodation situation while providing for compromise where special circumstances exist, and in order to avoid undue hardship for students. All students are required to tell the University where they propose to live and to ensure that any change of address is updated on their University record (using <https://evision.co.uk>) in a timely manner.
- (b) Any reference to a Provost in these regulations means also any person to whom the Provost has delegated authority (eg College Administrator).
- (c) Students who accept accommodation under a University Tenancy Agreement are bound by its terms, which set out the length of the

agreement and the grounds on which it can be ended.

- (d) Students wishing to be considered for accommodation for a period beyond that stated in their University accommodation agreement will be required to submit a new application.
- (e) Students required to leave their programme of study, who withdraw from their programme or who suspend their studies will be required to vacate their University accommodation.
- (f) Students who need to vacate their accommodation early due to special circumstances should refer to the procedures available from the Accommodation Office.
- (g) A resident student may be suspended from the University for disciplinary or other good reasons. The occupancy may thereby be ended, the student having the right to a refund of the fee paid in respect of the unexpired part of the occupancy.

### **8.3 Payment of Fees**

(a) *Tuition fees*

Tuition fees comprise enrolment, tuition, initial examination and graduation. Tuition fees are due in advance at the beginning of each session. Details regarding methods of payment are included in the enrolment documentation for each year.

(b) *Accommodation fees and charges*

Accommodation fees and charges are due in accordance with the University Tenancy Agreement. Details regarding methods of payment of fees are included in documentation provided at enrolment and in information on the Fees office website. Failure to pay accommodation fees may result in termination of the University Tenancy Agreement which, for the avoidance of doubt, shall not of itself be an exclusion from the University.

(c) *Other accounts*

Other accounts invoiced which cover miscellaneous items are due in accordance with the terms identified on the invoice.

(d) *All fees/accounts*

Any student whose financial circumstances prevent payment in

accordance with the above, together with the payment methods detailed in the enrolment documentation each year, must contact the Fees Office as soon as possible for advice eg those students funded monthly.

Failure to pay fees and other accounts or to make a satisfactory arrangement to pay or to give a satisfactory explanation for non-payment to the Fees Office may result in the case being reported to the Deputy Vice-Chancellor who, acting on behalf of University Council, may suspend the student from registration at the University until payment has been received. The University may take legal action or employ agents to recover amounts due.

Late payment fees are payable in respect of any overdue payments or fees. Fees are agreed annually by the Finance Committee.

## **9 REGULATIONS GOVERNING ELECTION OF MEMBERS TO THE SENATE**

### **9.1 Election of staff members**

- (a) For the purpose of the election of members to the Senate under the provisions of Statute 12, separate electoral rolls shall be kept by the Registrar and Secretary of those entitled to vote for the categories of staff described in Statute 12.1.h, 12.1.i and 12.1.j respectively, and, subject to (c) below, shall be conclusive evidence that any person whose name appears therein at the time of claiming to vote or of being elected is entitled to vote or be elected and that any person whose name does not appear therein is not so entitled.
- (b) During each January notices of the dates of election under Statutes 12.1.h, 12.1.i and 12.1.j, which shall be in the following month of February, shall be circulated by the Registrar and Secretary to all those entitled to vote in the respective elections. However, if there is no vacancy for a member under Statute 12.1.j, and the term of the member elected under that provision is not to expire in the current academic year, and that member has not given notice of resignation from the Senate or from the office of Provost to take effect in that academic year, then the Registrar and Secretary shall not at that time give notice of any date for an election under Statute 12.1.j.

- (c) In the election of staff of the category described in Statute 12.1.h, the roll referred to in (a) above, after the deletion of the names of the members of the Senate whose terms do not expire in the current calendar year, shall constitute a provisional list of candidates for election to the Senate, and shall be made available by the Registrar and Secretary to all persons whose names appear thereon not less than four weeks before the date of the election; persons who do not wish to stand for election may withdraw their names from the list of candidates. A voting paper, listing the names of all those eligible for election to the Senate who have not withdrawn their names and identifying those who are *ex officio* members of the Senate and those who will be on leave of absence from the University for two terms or more in the next academic year, shall be circulated by the Registrar and Secretary to all those entitled to vote not less than two weeks before the date of the election. Each elector may cast one vote for each of not more than that number of members which the Registrar and Secretary specifies on the voting paper as the number of vacancies.
- (d) In the election of staff of the category described in Statute 12.1.i, the Registrar and Secretary, not less than four weeks before the date of the election, shall write inviting all those entitled to vote in the election to nominate candidates for election to the Senate. Candidates shall be members of the category of staff described in Statute 12.1.i. A nomination form, obtainable from the Registrar's Department, shall in each case be signed by the nominee and by not fewer than six persons entitled to vote in the election, and shall be returned to the officer designated by the Registrar and Secretary not less than eighteen days before the date of the election. Subject to the final sentence of this sub-paragraph, a voting paper, listing all those nominated and those who have nominated them, shall be circulated by the Registrar and Secretary to all those entitled to vote not less than two weeks before the date of the election. Each elector may cast one vote for each of not more than that number of members which the Registrar and Secretary specifies on the voting paper as the number of vacancies. If, however, the number of those nominated does not exceed the number of vacancies, then no election shall be held and those nominated shall be declared elected unopposed.
- (e) In the election of staff of the category described in Statute 12.1.j, the roll referred to in (a) above shall constitute a provisional list of

candidates for election to the Senate, and shall be circulated in any year when notice of an election has been given by the Registrar and Secretary to all persons whose names appear thereon not less than four weeks before the date of the election; persons who do not wish to stand for election may withdraw their names from the list of candidates. A voting paper, listing the names of all those eligible for election to the Senate who have not withdrawn their names, shall be circulated by the Registrar and Secretary to all those entitled to vote not less than two weeks before the date of the election. Each elector may vote for one candidate.

- (f) Not later than the day of the election electors shall return their completed voting papers to the member of the administrative staff designated for the purpose on the voting paper. The candidates among the relevant category for whom the greatest number of votes have been cast shall then in turn be declared elected to serve from 1 August following the election up to the number required to fill the vacancies for that category which will have arisen by that date. If there is an equality of votes between any two or more candidates, the Vice-Chancellor shall give such casting votes as may be necessary to decide who shall become a member of the Senate and for what term.
- (g) Any casual vacancy occurring during the academic year shall automatically be filled by the person with the next highest number of votes after the members elected at the previous annual election and after any persons who have since become members by virtue of this paragraph; except that, in the case of a vacancy arising on a date less than three months before the next annual election, the vacancy shall be filled at that election by the person with the next highest number of votes after the members elected to fill the normal vacancies. In all cases, the persons elected shall hold office for the unexpired portion of the period of office of their predecessors on the basis that, where relevant, the person with the highest number of votes shall replace the member with the longest period still to serve. Where this paragraph requires a choice to be made between two or more persons who received an equality of votes, the Vice-Chancellor shall decide which of them shall become a member of the Senate.

## **9.2 Election of undergraduate student members**

The procedure for conducting the election of undergraduate students to the Senate is as follows:

- (a) Notice of the election shall be sent by the Registrar and Secretary to the President of the Students' Union at the beginning of the Autumn Term. The date and times of polling, together with instructions on the nomination procedure, shall be published in the form of a University Notice not later than the first Friday in the Autumn Term.
- (b) The Returning Officer shall be appointed by the Students' Union in accordance with the normal rules governing such appointments, viz., the Returning Officer may not stand for election himself/herself nor propose or second any candidate for election. The name of the Returning Officer shall be notified to the Registrar and Secretary not later than the beginning of the Autumn Term.
- (c) The nomination procedure shall be as for the election of Students' Union officers – viz., all nomination forms must be signed by the nominee, the proposer and four other registered students of the University, and handed in to the Returning Officer not less than 48 hours before the commencement of polling. The Returning Officer shall notify the Registrar and Secretary of the nominations received.
- (d) Notices listing the nominations received, together with the names of the proposers and the four other signatories for each nominee, shall be prepared by the Students' Union and displayed in all colleges not less than 24 hours before the commencement of polling.
- (e) A list of all the students of the University in each college who are eligible to vote and for election shall be prepared annually by the Registrar and Secretary, the list to be available for consultation by students not less than one week before the commencement of polling. All registered students of the University shall be eligible to vote and for election.
- (f) The polling date shall be decided each year by the Registrar and Secretary and the President of the Students' Union, provided that the date is not less than four nor more than six weeks after the first day in the Autumn Term.

- (g) Voting shall be by secret ballot on a system of single transferable vote with quota. There shall be at least one ballot box in each college. Students may vote at any ballot box on campus or by postal vote on application in writing to the Returning Officer. There shall be no voting by proxy. No person whose name does not appear on the Registrar and Secretary's list of registered students may vote, save on the production of written authorisation from the Registrar and Secretary.
- (i) *Voting in person*  
Each student voting shall be required to identify himself/herself by producing his/her National Union of Students' card, and the card shall be marked to indicate that the student has voted in the election. In addition, the student's name shall be crossed off the relevant list of registered students.
- (ii) *Postal Voting*  
Each student requiring a postal vote must apply in writing to the Returning Officer and identify himself/herself by quoting the number of his/her National Union of Students' card. A ballot paper and set of nomination forms will be despatched and the student's name crossed off the relevant list of registered students issued to those staffing college polling booths. Postal votes must be received by the Returning Officer before 7.30pm on the night of the election.
- (h) The Returning Officer shall arrange for the staffing of polling booths. No candidate, or proposer or seconder of any candidate, shall staff any polling booth.
- (i) Polling shall not take place at a week-end. The hours of polling shall be 12 noon until 2pm and 6pm until 7.30pm.
- (j) The count shall be performed by the Returning Officer in the presence of the candidates if they so desire, or of observers severally appointed by them, and in the presence of the Registrar and Secretary if he/she so desires, or an observer appointed by him/her. The Returning Officer may appoint assistants who shall not be candidates or proposers or seconds of candidates.
- (k) Ballot boxes, which shall be lockable, shall be deposited in the porters' lodges between the hours of polling, and shall be opened only by the Returning Officer or his/her assistants at the time of the count.

- (l) The results of the election shall be notified immediately by the Returning Officer to the Registrar and Secretary who shall arrange for them to be displayed for at least 48 hours after the election. The ballot papers shall be retained for 48 hours after each election, during which time they may be inspected by any member of the University.
- (m) In the event of an undergraduate student member elected under Statute 12.1.k ceasing permanently to be a member of the Senate before the next election under (f) above, the electoral process described above shall, *mutatis mutandis*, be repeated as soon as shall be practical after the vacancy arises, in order that the full complement of members may be restored.

### **9.3 Election of graduate students to the Senate**

The procedure for conducting the election of graduate students to the Senate shall be the same, *mutatis mutandis*, as for undergraduate students except that, instead of polling taking place in each college, polling shall take place at the Annual General Meeting of the Graduate Students' Association.

## **10 FREEDOM OF SPEECH WITHIN THE UNIVERSITY**

### *Preamble*

The University is required by Section 43 of the Education (No. 2) Act 1986 to take 'such steps as are reasonably practicable to ensure that freedom of speech within the law is secured on University premises for members, students and employees of the University and for visiting speakers'. Furthermore, the use of University premises, so far as is reasonably practicable, is not to be denied 'to any individual or body of persons on any ground connected with: (a) the beliefs or views of that individual or of any member of that body; or (b) the policy or objectives of that body'.

The University, on the other hand, is under no legal obligation to allow meetings to be held on University premises which are open to members of the public.

These legal requirements are consistent with the University's long-established policy on freedom of speech and, in particular, with its public declaration that members of a University have a particular obligation

not to seek to prevent the expression of opinion but to counter argument with argument and thought with thought. They are also in keeping with the policy of the Students' Union as set out in its Constitution in accordance with University Ordinance 5.4.

For the purpose of these Regulations 'members' of the University are as laid down in University Statute 2.

- 10.1 Members and employees of the University are required to observe the principle of freedom of speech within the law at all times whilst on University premises.
- 10.2 Any action by a member of the University or by an employee of the University which is found by the University to be in deliberate or reckless contravention of the requirement set out in 10.1 above or of the particular provisions of the remainder of these Regulations shall be a breach of University discipline and as such will be liable to lead to disciplinary action against those concerned, irrespective of any action which may be taken in law.
- 10.3 The meetings and activities to which these Regulations apply are referred to throughout as 'meetings' and comprise all formal gatherings on University premises which ten or more people will have the right to attend. Except by the written consent of the Registrar and Secretary, the right to convene meetings on University premises is restricted to groups whose constitutional existence within the University is recognised by the University Council. These shall include Departments, Boards of Studies, Colleges, Senior, Graduate and Junior Common Rooms, the Students' Union and its constituent societies, the Graduate Students' Association and its constituent societies, the York Society, trade unions and such other societies or groups as may be approved by the University Council for the purpose. Subject to 10.4(a) below, a meeting shall be held only in a place which has been booked for the relevant time through the Room Bookings Office, or through the appropriate College, or has been allocated for the relevant time to a group on whose behalf the meeting is called. Reference in these Regulations to the Registrar and Secretary shall be interpreted as meaning also any employee of the University to whom authority has been delegated to act for the Registrar and Secretary for the purposes of these Regulations.
- 10.4 *Code of Conduct for Special Meetings*
  - (a) A 'Special Meeting' is any meeting as defined for the purposes

of 10.3 above which the organising group believes may prove problematical, or which the Registrar and Secretary designates as a Special Meeting on the grounds that it may prove problematical. 'Problematical' in this context means that, because of the subject matter and/or speaker, difficulty may be anticipated for the speaker in entering or leaving the building where the meeting is to take place, or in speaking without unreasonable interruption.

- (b) Any group convening the meeting must appoint a named organiser with full authority to act on behalf of the group in all matters concerning the meeting. The organiser must obtain the Registrar and Secretary's written consent before issuing a firm invitation to any speaker and before publication of any material advertising the meeting.
- (c) Before giving written approval for a Special Meeting, the Registrar and Secretary must be satisfied that all reasonably practicable steps will be taken to protect the speaker and the rights of those who wish to hear what he/she has to say. To that end, the Registrar and Secretary will have discretion to determine the time and place for the meeting and to impose such conditions as in his/her opinion may be necessary to enable the meeting to proceed in accordance with the principles of freedom of speech within the law and in a way consistent with the need to maintain good order. If not satisfied that adequate arrangements can be made to maintain good order, the Registrar and Secretary may refuse permission for the meeting. The Registrar and Secretary may also withdraw permission for a Special Meeting at any time after issuing written permission for the meeting if, due to changed circumstances, he/she is no longer satisfied that adequate arrangements can be made to maintain good order. A decision to refuse or withdraw permission for a Special Meeting will normally be taken only after close consultation with the police.
- (d) Special Meetings held on University premises shall not be open to those who are not members or employees of the University except by named invitations proposed by the organiser and approved in writing by the Registrar and Secretary before such invitations are sent out. The group convening the meeting will be held responsible for the conduct of such invited guests while on University premises.
- (e) The organiser of a Special Meeting may be required by the Registrar and Secretary to regulate access to the meeting by the issue of tickets

or by a stipulation that those wishing to attend must produce evidence of identity and/or membership of the University as a condition of admission. Any such requirements must be stated clearly in any advertising material.

- (f) The organiser of a Special Meeting must provide the number of stewards determined by the Registrar and Secretary as necessary to maintain good order during the meeting. All stewards must be members or employees of the University, and the Registrar and Secretary must be satisfied as to their suitability.
- (g) Any group convening a Special Meeting will be required to meet the full cost of providing the services of as many porters as the Registrar and Secretary may reasonably judge to be necessary within the meeting and for control of access to it. Payment in advance or evidence of ability to pay will be required.
- (h) For the first Special Meeting convened by any group in a particular term the University will meet the cost of such other security arrangements as the Registrar and Secretary may reasonably judge to be necessary and will normally supply free of charge a public address system. But the Registrar and Secretary may make it a condition of allowing any other Special Meeting convened by that group for the same term that the group agrees to indemnify the University against any costs or damages arising from that meeting and to meet such further conditions as the Registrar and Secretary may reasonably impose.
- (i) Any group convening a Special Meeting must appoint an individual to chair the meeting and to be responsible for its conduct. He/she will be expected, in particular, to take all reasonable steps to ensure that speakers comply with the law and that the principles of freedom of speech are upheld. He/she will also be expected to use his or her best endeavours to provide that any questions to a speaker, or any contributions to a debate, are taken from a broad cross-section of those attending the meeting and are not confined to those of one particular view.
- (j) Facilities shall not be provided for the press and broadcasting media at any Special Meeting except in terms agreed by the Registrar and Secretary and the organiser of the meeting, and will normally be provided only for those whose audience or readership is mainly within the University.

- (k) The Registrar and Secretary will normally nominate a senior member of the University to attend the Special Meeting. If in the opinion of any senior member nominated by the Registrar and Secretary to attend the meeting the conditions within the meeting are such that it cannot properly continue, he/she may require the person in the Chair to close the meeting forthwith. He/she will also be authorised to decide whether assistance from the police should be summoned.
  - (l) Where the use of the University's premises for a meeting is the object of a commercial contract with the organiser or organising group, the Registrar and Secretary must be satisfied that the University and those concerned in its government will be indemnified against any loss, damage or expense arising from denial (or alleged denial) of free speech at that meeting and, if he or she is satisfied of that, the other requirements of section 10.4 shall not apply to that meeting.
- 10.5 Appeals against decisions taken by the Registrar and Secretary in respect of Special Meetings may be made to the Vice-Chancellor, whose decision will be final. However, the Vice-Chancellor's decision must be notified with a statement of the circumstances to the next meeting of the University Council.
- 10.6 An advisory committee shall be established by the University Council to monitor and report to the Council at the end of each academic year on the implementation and efficacy of these Regulations and to advise the Registrar and Secretary and the Vice-Chancellor on matters arising from them. Membership of the Committee shall be: the Deputy or Pro-Vice-Chancellor (Chair); one lay member of the University Council; two members of the University Committee, one of them a student and the other a representative of the Senate; and one member of the non-academic staff to be drawn from the non-academic membership of the University Council.

## **11 REGULATIONS FOR USE OF COMPUTING FACILITIES**

These regulations apply to all computer users (staff, students, associates, and those persons explicitly authorised) of the University of York, using equipment provided either by the University (centrally or departmentally) or personally (when used for University purposes or on

University-managed premises). *Guidelines to the Regulations* are available.

1. All computing facilities must be used only within applicable laws.
2. Unless stated otherwise, electronic materials are made available by the University on the understanding that they are subject to copyright law, proprietary, confidential or have restrictions on their use. Individual users of electronic materials are not permitted to copy or distribute copies unless explicitly permitted to do so under the terms of the relevant licence.
3. Any person wishing to hold or process personal data as defined by the Data Protection Act 1998 must inform the University's Records Manager, comply with any restrictions the University may impose concerning the manner in which the data may be held or the processing carried out, and inform IT Services in advance (if central computing facilities are used). The Freedom of Information Act 2000 supplements the Data Protection Act 1998 with the right to view any information held by the University and not exempted by standard criteria. Information held on computer systems is subject to the University's policy on the Freedom of Information Act 2000.

### **Use of central computing facilities**

4. (a) The term 'central computing facilities' includes computing facilities administered by IT Services (including the Campus Network and its connections to other networks, whether used for data or voice transmission) together with the University telephone system when used for computer communications. It also includes facilities at other institutions linked to those at this University, access to which is gained by virtue of holding a University of York username, and personal equipment interacting with the central computing facilities.
- (b) Central computing facilities may be used only by persons who are:
  - University staff
  - University students
  - associates registered by departments
  - explicitly authorised.
- (c) Central computing facilities may be used by those authorised

under (b) above on the understanding that the University will not accept any liability whatsoever for loss, damage, injury or expense which may result from use of the computing facilities, howsoever caused; provided always that the University shall indemnify any user authorised under (b) above against any liability incurred as the direct result of the negligence of the University whilst the said user is using the facilities in good faith and in accordance with these regulations and guidelines.

- (d) Permission to use central computing facilities is deemed to be withdrawn when the authorised user ceases to be authorised, and any of the user's stored information may be destroyed without notice once authorisation has been withdrawn.
5. (a) The username and resources allocated must be used only for University work or for the purpose for which they were requested. and only by the user and, exceptionally, those acting with the user's explicit authorisation. Personal work may only be undertaken subject to the Regulations and the Guidelines. The holder of a username must not authorise another person to access resources for which additional authorisation is required.
- (b) No use must be made of the username and resources allocated to another person or group of persons unless such use has been explicitly authorised by the holder of the username and the person so authorised also holds a username provided under 4(b) above.
  - (c) No person shall by any wilful or deliberate act or by failure to act with due and reasonable care jeopardise the integrity of the campus network (or other networks to which access has been gained by virtue of connection to the campus network), computing equipment, operating systems, systems and applications programs or other stored information, or the work of other users, or attempt to access, copy, modify or disseminate information which is not intended for their use, whether within the University or in other computing locations to which the facilities at the University allow access. All guidelines on the use of computing facilities must be observed.

- (d) The University will not accept responsibility for charges for the use of facilities at other locations unless such use has been authorised by the University. Any charges incurred in contravention of this rule will be reimbursed by the user.
6. Work performed under contract is classified as chargeable and no such work must be done on the facilities for which IT Services are responsible unless prior written permission has been received from and charges and payment terms agreed with the Head of IT Services. IT Services must be informed immediately it is intended or apparent that there is a reasonable probability of financial or commercial advantage arising out of the use of the central computing facilities. All reasonable efforts must be made to ensure that any such financial or commercial benefits, in so far as they are directly attributable to use of the central computing facilities or to the contributions from the staff of IT Services, should be shared between all parties contributing to the work concerned, in proportions to be negotiated in each case according to the University's regulations on Intellectual Property.
  7. The academic network (JANET) must be used only for work which meets the conditions imposed by the network operator's acceptable use policy. These conditions permit use for activities in furtherance of the aims and policies of the University and constrain use for commercial activities.
  8. No information must be transmitted internally or externally which is defamatory, which brings the University into disrepute, or which contravenes laws, licence and other contractual agreements, University policies, and conventions on equal opportunities. These include the creation or transmission (other than for approved, supervised and lawful research purposes) of any offensive, obscene or indecent images, data or other material, or any data capable of being resolved into obscene or indecent images or material.
  9. No attempt must be made to disguise, misrepresent or conceal the identity of the disseminator of information transmitted via the central computing facilities.
  10. The University reserves the right to monitor the use of its computing facilities. Users must co-operate with any investigations.
  11. Breaches of these regulations will be regarded as disciplinary offences

and dealt with under the University disciplinary procedures. The Vice-Chancellor, on the recommendation of the Head of IT Services, may, in addition to any other sanctions allowed under disciplinary procedures, exclude anyone against whom disciplinary proceedings are brought under these guidelines or against whom a prima facie case exists from access to all University central computing facilities pending the outcome of such proceedings or investigations. Any reasonable request from the Head of IT Services for action to remedy an apparent contravention of these regulations must be undertaken, and the Head of IT Services may initiate steps, including suspension of access to University Computing Facilities or disconnection of equipment, to maintain the integrity of the University computing facilities, to safeguard the work of others, and to enable the University to comply with legislation.

### **Use of departmental computing facilities**

12. Departmental computing facilities must be used only within these regulations and the regulations and guidelines issued by the relevant department.

## **12 INTELLECTUAL PROPERTY**

### **12.1 Preamble**

These regulations have been formulated to provide a framework for the successful accomplishment of technology transfer, the identification, protection and exploitation of potentially valuable research results and the exploitation of potentially profitable creative and scholastic work. By identifying possible routes of exploitation and providing financial incentives for individuals and departments, the regulations are intended to encourage researchers and other innovators to identify and to develop commercial projects. The University is recognised by the UK research councils as a competent body to arrange for the exploitation of research council funded intellectual property.

For the purpose of these regulations intellectual property (“IP”) is as defined by the World Intellectual Property Organisation and includes the rights relating to literary, artistic and scientific works, performances or performing artists, phonograms and broadcasts; inventions in all fields of human endeavour; scientific discoveries; industrial designs;

trade marks; service marks and commercial names and designations; and all other rights resulting from intellectual activity in the industrial, scientific, literary and artistic fields.

## **12.2 Ownership as between University and originator of intellectual property**

*Prima facie*, ownership of IP is vested in the inventor (ie, the devisor) or inventors and it is he/she or they who may be granted a patent. However, when an invention is made by an employee in the course of employment, ownership may instead be vested in the employer. Similarly, other forms of IP such as copyright (covering literary work, musical work, computer programs, video or motion pictures, sound recordings, works of art, photographs, sculpture and other original works), database rights and design rights produced in the course of employment, may be owned by the University.

- (1) For the avoidance of doubt, the University claims ownership of all intellectual property specified in section 12.3 of this statute which is devised, made, or created:
  - (a) by persons employed by the University in the course of their employment;
  - (b) by student members in the course of their studies, where a member of staff has also been involved;
  - (c) by other persons engaged in study or research in the University who, as a condition of their being granted access to the University's premises or facilities, have agreed in writing that this Part shall apply to them; and
  - (d) by persons engaged by the University under contracts for services during the course of or incidentally to that engagement.
- (2) The University's rights above in relation to any particular piece of intellectual property may be waived or modified by agreement in writing with the person concerned.

## **12.3 The intellectual property of which ownership is claimed under section 12.2 of this statute comprises:**

- (1) works generated by computer hardware or software owned or operated by the University;

- (2) films, videos, multimedia works, typographical arrangements, field and laboratory notebooks, and other works created with the aid of university facilities;
- (3) patentable and non-patentable inventions;
- (4) registered and unregistered designs, plant varieties, and topographies;
- (5) University-commissioned works not within (1), (2), (3), or (4);
- (6) teaching materials designed to form part of an e-learning or distance learning course, whether specifically commissioned by the University or funded by external bodies
- (7) databases, computer software, firmware, courseware, and related material not within (1), (2), (3), (4), or (5), but only if they may reasonably be considered to possess commercial potential; and
- (8) know-how and information associated with the above

**12.4** For the avoidance of doubt, the University does not intend to assert ownership of copyright in books, articles (including journalism), lectures, or artistic works, other than works specifically commissioned by the University.

## **12.5 Research categories**

Before the University can deal with innovations arising from research, it is necessary to ensure that it does not give away its rights in the arrangements under which research is carried out. Most research carried out in universities which results in commercially exploitable inventions falls into one of four categories:

- i. Research (other than in (ii) and (iii) below) carried out by academic staff as part of their customary activities as members of the academic community. In this category, the exploitation of research results is a matter between the University as employer, and the member of staff, as employee alone; or
- ii. Research carried out with the support of grants from the research councils. In this category, the member of staff remains the employee of the University but the exploitation of research results is handled under the conditions for research grants which in most cases leave the responsibility for this with the University; or

- iii. Research carried out with the support of money from bodies other than research councils. In this category, the member of staff remains an employee of the University, and it is for the University to ensure that detailed and mutually acceptable provision is made in the relevant contract or other agreement for patenting or otherwise exploiting the research results, and for the proper sharing of any profit; or
- iv. Research carried out by students. Such research may also come within any of the three categories previously recited: the student is, of course, not an employee of the University, although the supervisor will be, and where a student is supported under a CASE award or entirely by industry, it is important that the student should be a party to a contract which includes provision for the protection, publication and exploitation of the research results and the proper sharing of any profit;
- v. Similar considerations to (iv) above may apply to holders of certain fellowships. A fellow who is not an employee of the University or any other body is outside the provisions of the Patents Act 1977. The terms of a fellowship should always be checked carefully. Likewise, the terms applied when academic visitors work within the University's facilities and alongside its employees need to be made explicit at the outset.

It should be noted that the above five categories are not mutually exclusive and there are many cases where, for example, category (ii) is combined with support from industry and/or government departments. The contracts relating to such cases should protect the rights of all contributing parties.

It should be noted that research carried out by University-owned companies and by academic staff acting privately as consultants for third parties are not included. (Section 16 of the University's Academic and Related Staff Handbook sets out conditions on work for outside bodies).

## **12.6 Intellectual property clauses in research contracts**

When considering research contracts staff should be aware that there are three major options for the ownership of intellectual property.

- i. The first is where a university is to retain its ownership of intellectual

property arising from the research but will report inventions in confidence to a sponsor with the intention of negotiating a licence (non-exclusive, where possible) to enable the sponsor to protect, develop and exploit the invention commercially.

- ii. The second is where a university agrees that intellectual property arising from the research which is directly in the sphere of the sponsor's interests will be assigned to a sponsor on payment of royalties to be negotiated bearing in mind the sponsor's investment in the research and the value of the innovative step.
- iii. Into the third category will fall those cases where the university is prepared to agree that any intellectual property arising shall belong to the sponsor with provision for the payment of reasonable royalties.

Under the third of these categories the University will have no influence on the protection or exploitation of innovative rights and will be in a weak position in revenue negotiations. University policy is to retain ownership of intellectual property arising from research wherever possible. In all cases, a licence back to the University for the purposes of academic research and teaching should be sought.

## **12.7 The impact of intellectual property considerations on contract pricing**

If (commercial) organisations are to own the intellectual property rights deriving from research commissioned from universities there may be a strong case for their being charged a price which exceeds the full economic cost. Staff should always consider the value of resulting intellectual property in pricing research contracts. When the University is to retain those rights unfettered it is considered unnecessary that the contract price should exceed the full economic cost of fulfilling it.

When provisions as outlined in 12.6 (ii) or (iii) above are agreed it will be more appropriate for the contract price to exceed the full economic cost in order to reflect the value of the arising intellectual property. This excess may take the forms either of a higher contract price or a royalty on exploitation or a combination of both of these. It is worth bearing in mind that the University's status as a charitable organisation means that it is unable to give away its assets and should also seek a fair return for them.

## 12.8 Regulations

The following regulations have been drawn up for the guidance of staff.

1. In the absence of any contrary provision, the University will own the intellectual property arising from research and the rights of the University to exploit such intellectual property should only be disposed of for value. The University's position on this point must be made clear to an intending sponsor, whether industrial, charitable, or a government department. The issue of intellectual property rights must be referred to the Research Office before any agreement or understanding is reached with a potential sponsor. Industrial and government sponsors may wish to acquire rights in intellectual property arising from research to which they are contributing funds. These rights may be conceded to sponsors but only in return for an appropriate increase in the contract price. Care must be taken to ensure that such property will be properly exploited and not stifled by the sponsor, unless there are exceptional circumstances involving national security. (See also the notes on contract pricing and on patents.)
2. Where a member of staff or a student creates intellectual property which appears to be capable of commercial exploitation, its existence shall be reported to the head of department or to the relevant Business Development Manager, where applicable, and to the Intellectual Property Manager. A full disclosure of all of the results of the research must be delivered up to the Intellectual Property Manager in all forms in which they have been produced, including electronic. The Intellectual Property Manager will make a careful record of the date and time at which a member of staff or a student reports an invention and claims to be the inventor.
3. In consultation with the member of staff or student and, where applicable, the relevant Business Development Manager, the Intellectual Property Manager shall determine as soon as possible whether the University wishes to become involved in the exploitation process. In some cases it will be apparent that more work of a technical nature is required to provide additional evidence before a decision to go ahead with the exploitation process. The Intellectual Property Manager and the relevant Business Development Manager will work closely with the originators to discuss next steps and timescales.

4. If the University does wish to become involved in the exploitation process it is for the University to ensure that detailed and mutually acceptable provision is made in the relevant contract or other agreement for patenting or otherwise exploiting the intellectual property, and for the proper sharing of any profit.
5. In cases where the University does not wish to pursue exploitation, the intellectual property rights shall promptly be assigned to the originator, if the originator so wishes, to enable the originator to protect or exploit the intellectual property or to decide otherwise, subject to the interest of any third parties.
6. Where it is decided to seek exploitation in partnership between a research sponsor or a licensee and the University, discussions between interested parties will be held to determine the appropriate action to be taken. This may include one or more of the following:
  - i. the retention of confidentiality and strict avoidance of prior disclosure (though the University will as a general rule preserve the rights of individuals to publish material arising from their research and scholarship as they think fit);
  - ii. the filing of a UK patent application in the name of the University with the originator as named inventor;
  - iii. the identification of potential licensees;
  - iv. the assignment of the rights to a specialist third party exploitation vehicle that will exploit on the University's behalf and return revenues to it;
  - v. the formation of a limited liability company for the purpose of exploitation.
7. Notwithstanding the provision of regulation 12.8.3 above the Intellectual Property Manager may consult, on a confidential basis, with appropriate experts in the field of the intellectual property in question in order to assist with the assessment of innovation and commercial potential.
8. Where it is decided jointly to seek exploitation the originator shall provide reasonable assistance in the exploitation process by, for example, providing information promptly upon request, attending meetings with potential licensees and advising on further development.

9. Costs incurred in protecting, developing and exploiting intellectual property will normally be borne in the first instance by the University, which will need to recover them. The University will also be looking to top slice any revenues generated; 15% of revenues after costs will be retained to contribute to the costs of technology transfer in future.

Where the exploitation route is through a royalty bearing licence to a third party, these costs will be recovered from gross income before the residual revenue is paid to the originator(s), the department and central University funds, with the exception of the first £1,000 which will be paid to the inventors before recovery of costs is made. A statement of the costs deducted will be supplied when the residual revenue is disbursed.

Pursuant to the University's agreement with IP Group, 10% of gross revenue, after costs have been deducted, is to be paid to IP Group, for all new licences signed after February 2006. The Table in 10 below takes account of this obligation, although for licences entered into prior to February 2006, the 10% will be shared equally between the Central University funds and the Department(s).

10. Revenue received by the University as the result of licensing of intellectual property shall be distributed as follows:

**Note: Where the agreed exploitation route is by a spin-out company, the division of benefits will be by equity distributions – see 15. below.**

11. Where more than one inventor or originator is involved the distribution of their share of the income between themselves shall be a matter for them to determine save that where there is failure to agree the distribution of income between them shall be referred for determination by an umpire to be agreed by them and by the Intellectual Property Manager.
12. Authorised signatories on behalf of the University on matters relating to the protection and exploitation of intellectual property shall be the Registrar and Secretary and the Director of Finance provided that in the Registrar and Secretary's absence this authority may be delegated. Contracts and agreements executed under seal shall be subject to the University's usual procedures.

13. Reference to the existence of these regulations shall be made in the conditions of employment of staff appointed after their implementation. Their existence shall also be drawn to the attention of students of the University.
14. In the event of failure to agree on the ownership of intellectual property or on the recovery of exploitation costs the matter shall be referred to the Vice-Chancellor and if still not agreed following the Vice-Chancellor's ruling, it shall be referred for determination by an umpire to be agreed by the researcher and by the Intellectual Property Manager. If not so agreed within fourteen days of the request of either of them to do so, then the matter shall be referred for determination by an umpire to be appointed at the request of either of them by the President (or failing the President, the Vice-President) for the time being of the Law Society of England and Wales. In making a decision the umpire shall act as an expert and not as an arbitrator. Before making a decision the umpire shall give the parties the opportunity to make representations in writing including, once, on the representations of the other party and the determination shall be reasoned and in writing.
15. Where exploitation is to be through the establishment of a spin-out company, the intellectual property may be licensed or assigned to the spin-out company, but there will also be equity shares in the company to be distributed between the University and the inventor/originators of the intellectual property. In broad terms, the sharing should observe the same principles that underlie the revenue sharing in Table 9, except that the IP Group share is automatically 25% at the outset, and the Department is unable to hold equity, as only the University is a legal entity. However, it is difficult to be as formulaic over the exact division, as there are many other factors that need to be taken into account to arrive at an equitable division. These include:
  - a) the commitment of time the inventors are required and prepared to devote to the spin-out
  - b) whether the individuals are to be paid for the time and effort, or whether such time is to be reimbursed to the University
  - c) the amount of unrecoverable funding the University has committed to the technology prior to it being licensed or assigned to the spin-out.

- d) The need for the University to keep its exposure to spin-outs below 24% wherever possible, while balancing its potential returns from the results of its work.

Other Universities, such as our White Rose partners, Leeds and Sheffield, start with a rule of thumb that the shares as between University and inventors should be 60:40. It is obviously impossible to have a sliding scale as with our revenue sharing of royalties, but this would appear to be roughly in line with the spirit of that formula, so this should be the starting point. Adjustments up or down from this starting point can be made according to the considerations outlined above, always attempting to balance the incentives to academics to take an active involvement where appropriate against the responsibilities of the University as a charitable institution. Thereafter, IP Group receives 25% of the company (or 15% if it declines to invest) – this to be taken from the University's share, reducing it to 35%. All of these adjustments are prior to any equity being awarded for cash invested in the company, by, for example, IP Group or White Rose Seedcorn Fund – normally to be calculated on a pre-money valuation of £750,000.

As an illustration of how this may work, the following scenario is based on a simple case where all the inventors are based at the University and all the intellectual property belongs wholly to the University (ie with no obligation to research funders for example) and the Spin-out requires £200,000 initial investment, all supplied by IP Group.

University	Inventors	IP Group	
Pre money	35%	40%	25%
Post money	27.6%	31.6%	40.8%

It should be stressed that, although equity splits may start according to a formula similar to above, there will be opportunities as the company develops to adjust incentives through mechanisms such as share options for those that make a significant contribution to the spin-out's success.

## 12.9 Notes

### 1. Contractual restrictions on publication of research

As it is generally accepted that most academic staff wish to achieve high quality publications in learned journals, the University will as a general rule seek to preserve the rights of individuals to publish material arising from research as they think fit. In commercially sensitive cases however most universities will be prepared to agree to a restriction on publication for a period of time to allow for evaluation and patent protection. PhD theses may also be withheld from the University library for a limited period, not exceeding 12 months.

### 2. Identification

Academic originators are not however always alert to the commercial possibilities of intellectual property developed as a spin-off of basic research. Even if an originator does recognise such possibilities, the precedent is often to take them direct to an industrial firm in order to raise funds to sponsor further research.

It must also be recognised that in many cases an academic scientist is more interested in pursuing research than in spending time in the commercial exploitation of inventions which are ancillary to it. Proposals for academic research may often contain the germ of an idea which may be commercially exploitable and which, even at that stage, should be protected. There might be many advantages to all concerned if such proposals were discussed with exploitation staff in their formative phases.

The University has a central record of research being undertaken with the aid of outside funding whether industrially, research council or charitably funded and the researchers involved in such work should be visited at least once every session (or invited to discuss their activities with an experienced evaluator informally so that any development of possible commercial interest may be identified as early as possible by those responsible for its protection and exploitation). Funds are available through the Innovation and Research Priming Fund Committee and Proof of Principle scheme to carry out modest developments, say, to first prototype stage. This procedure should establish an interface between research staff on

the one hand and the Enterprise & Innovation Office on the other which will embrace research work funded out of departmental, faculty or other University resources.

It is most important that any researcher employed by the University, should consider the possibility that his/her work may have commercial value and, if so, contact the Intellectual Property Manager or the relevant Business Development Manager prior to making any public disclosure of the results. Staff need to be aware that public disclosure has many forms, such as an entry on a web site, an abstract in conference proceedings, or a poster on a laboratory noticeboard, (for a detailed review see [www.york.ac.uk/research/guide/1\\_res\\_ip\\_publish.html](http://www.york.ac.uk/research/guide/1_res_ip_publish.html)) as well as the most obvious publications of articles in journals, approaches to industrial sponsors etc In the latter case, if she knows about such proposed approaches, the Intellectual Property Manager can either oversee patent filings or provide confidentiality agreements to ensure that the intellectual property is protected from premature disclosure.

### **3. Evaluation**

Once intellectual property has been identified by or notified to the University administration it is essential that its scientific validity, its commercial potential and its protectability are properly evaluated. The originator should be required to describe the innovation briefly but clearly so that its validity is apparent and the advice of a patent agent may be obtained if appropriate.

Academic staff are often aware of industrial concerns involved generally in their research areas and details of existing commercial products which the innovation will improve or with which it may compete can often be obtained from them. If discussions take place with third parties (other than patent agents) care should be taken to see these are protected by confidentiality agreements.

The nature of the innovation; the ownership of rights; the possibility of protecting them; the capital required for developing it for its commercial market as well as its competitive life and the market potential all affect the method of exploitation to be adopted and must be carefully considered by experienced commercial staff at this stage and before further time and money is invested.

#### **4. Ownership**

In practice, two groups of university employees need to be distinguished – (i) academic staff (both teaching and research), and (ii) technicians. The question of inventions made by students who are not employed is also discussed below.

##### **i. Academic staff**

Most universities have ensured that, as advised by the Committee of Vice-Chancellors in 1977, contracts of academic staff impose an obligation to undertake research. The nature of university research is such that an invention or other forms of IP may reasonably be expected to result from the carrying out of such duties, so that any IP made by a member of the academic staff in the course of such research will belong to the university by virtue of section 39 of the 1977 Act.

##### **ii. Technicians**

The legal position of technicians (and, indeed, of any other employees) in relation to the university is in general the same as that of academic staff. There are, however, three practical differences:

- (a) technicians are not always obliged or expected, by virtue of their conditions of service, to undertake inventive research;
- (b) such employees work specified hours, and therefore it is easier to determine whether the invention was made during the course of their employment;
- (c) some types of technician may actually be employed to make inventions, although not necessarily ones that are likely to be commercially exploitable.

The status of inventions made by students is liable to arise particularly in the case of graduate students. If they are actually employed by the university, for example as demonstrators or research assistants, and make inventions while so working, what is said above applies to them. The difficulty arises in other cases: where the student is supported by a studentship from a research council, similar conditions are imposed as those attaching to their research grants and it may be considered

that a university should impose similar requirements where research students are supported by the university's own scholarships. In other cases, for example where the student is self-supported or supported by some outside body which does not lay down any such conditions, it is difficult to see how a university can justify any claim to ownership of an invention which a student may make arising out of an independent research project.

In practice, the situation most often arising is one in which a research student is a member of a team whose efforts have resulted in an invention. In these circumstances, the fairest procedure is for the university to continue to treat that person in the same way as the members of its staff who constitute the rest of the team and to allow the student to participate in any revenue sharing arrangements which are worked out. Similarly a student is often happy to assign an invention to the university for the same reward as would fall to a member of staff in return for the university bearing the cost of protection and exploitation.

Similar reasoning may be necessary in the case of holders of fellowships who may not be employees and may or may not be conducting research as part of a team. Usually such fellowships do not also provide for recovery of all the associated research costs and so, although the university may have no automatic claim to ownership of inventions, it will be able to justify a claim to some share of profits from exploitation if this is pursued by the fellow independently.

## **5. Confidentiality**

Employees have a duty of confidentiality to their employer, but it should be borne in mind that the same does not apply automatically to students or visitors to the University. Where it is proposed that a person who is not employed by the University is to be involved in research that could lead to commercial exploitation, and particularly where it is hoped that patent protection might result, it is good practice to ensure that all participants are covered by obligations of confidentiality, for example by signing a simple confidentiality agreement that can be supplied by the Intellectual Property Manager. This may also be necessary or advisable where the results of work where the University has an obligation of confidentiality to a third party are to be presented to groups of students, for example at laboratory meetings.

## 6. Patents

A patent is a grant issued by a patent office giving an inventor the rights to exclude all others from making, using, or selling the invention within the country within which it is granted for a period of up to nineteen years from the grant. Patents may also be granted in foreign countries. Procedures for filing, regulations for patentability and the period of patent protection vary considerably from country to country.

To be patentable in most countries, an invention must be new, useful and non-obvious. In the United Kingdom and in most foreign countries, an invention is not patentable unless the application is filed before public disclosure. Once an application has been filed in the UK prior to disclosure, the applicant has twelve months to file in most foreign countries without losing filing rights.

The exploitation of a patented invention may be undertaken by:

- a. straight licensing
- b. joint exploitation and marketing
- c. independent exploitation and marketing (cf 12.7.5 above).
- d. The establishment of a spin-out company

<b>Revenue (gross)</b>	<b>Division of revenue</b>			
	Originator	Department	Central University Funds	IP Group
First £1000	100%	0%	0%	0%
<b>Revenue received after top slice and development costs (per case)</b>				
Next £24,000	80%	5%	5%	10%
Next £50,000	50%	20%	20%	10%
Thereafter	33.3%	28.35%	28.35%	10%

In the preparation of a licensing agreement the University must avoid the position where it has to ask a third party for permission to use or sell some unexpected development of its own invention. Hence "improvement clauses" within the licence should be carefully drafted and made as wide as possible. Where an invention

relates to a marketable end product the licence can provide that the licensee will supply “licensed products” to the patentee or to the patentee’s nominee at near cost price. The licensing agreement may also be tied up with a trade mark agreement and/or service mark agreement.

## **7. Copyright**

As provided by the Copyright Designs and Patents Act 1988, copyright gives legal rights to the creators of certain kinds of material, so that they can control the various ways in which their work may be exploited. Copyright protection is automatic and there is no registration or other formality. Copyright is defined as a property right which can be exploited, used, bought and sold like other property. It may subsist in any of the following categories of work:

- a. original literary, dramatic, musical and artistic works;
- b. sound recordings, films, broadcasts and cable programmes;
- c. the typographical arrangement or layout of a published edition.

There are special rules for the first ownership of copyright in the case of employed authors but in general it is the author who is the first owner of copyright in a work. The owner of copyright may use it to stop others exploiting the work or to license them to do so. The producers of records and films, broadcasters and publishers are regarded as authors of the relevant description of work.

For individual authors, copyright in a work extends for the author’s life plus fifty years. For institutions, copyright in a work extends for seventy-five years from the date of publication. In contrast to a patent, which protects the “idea”, copyright covers the “artistic expression” in the particular literary work, musical work, computer program, video or motion picture or sound recording, photograph, sculpture, etc, in which the “expression” is embodied, illustrated or explained.

## **8. Asserting a Copyright**

Although under the international copyright convention no formalities are necessary to establish a copyright, it is suggested that to avoid doubt a copyright notice be affixed on the material to be protected. If materials are published (in the United States of

America for example) without a copyright notice, the copyright may be lost and the work may enter into the public domain.

The following notice should therefore be placed on the front page of all university-owned works to assert the copyright: "Copyright C 20xx University of York. All rights reserved". The date in the notice should be the year in which the work is first published. No notice other than the foregoing should be used for works owned by a university.

## 9. Database right

A database, that is a collection of data or other material that is arranged in such a way so that the items are individually accessible, may be protected by copyright and/or database right. For copyright protection to apply, the database must have originality in the selection or arrangement of the contents and for database right to apply, the database must be the result of substantial investment. It is, of course, entirely possible that a database will satisfy both these requirements so that both copyright and database right apply.

Database right is in many ways very similar to copyright so that, for example, there is no registration for database right – it is an automatic right like copyright and commences as soon as the material that can be protected exists in a recorded form. Database right can apply to both paper and electronic databases. However, there are three main differences between database right and copyright:

- The term of protection for database right is much shorter. Database right lasts for 15 years from making but, if published during this time, then the term is 15 years from publication.
- The activities that a right holder can control, and which are, therefore, infringed if undertaken without the right holder's permission, are a bit different. Database right concerns control over the extraction and re-utilisation of the contents of the database.
- The exceptions to the right, that is activities that a user can undertake without the permission of the right holder that do not infringe the right are not quite the same. In particular, fair dealing for the purposes of research or private study does not extend to research for a commercial purpose.

It is important to remember, that many databases are a collection of

copyright works, such as an on-line database of poetry from the last fifty years where each poem will be protected by copyright. So people compiling databases need to make sure that they have permission from the copyright owners for use of their material and people using databases need to be aware of the rights of copyright owners as well as database right owners.

## **10. Registration of Designs and Trade Marks**

It is possible to apply to the UK Patent Office to register a new or original design (ie, features of shape, configuration, pattern or ornament not dictated solely by function) under the Registered Designs Act 1949 as amended by the **Copyright, Designs and Patents Act 1988, Registered Designs Regulations 2001 and the Registered Designs Regulations 2003**. Registration gives exclusive rights in the UK to make, import for sale, use for the purpose of any trade or business, sell or hire any article in respect of which the design is registered for a period of up to 25 years from registration.

Application to the Patent Office may also be made for registration of a trademark in respect of goods and services under the Trade Marks Act 1994.

## **13 MISCELLANEOUS REGULATIONS**

### **13.1 Booking of rooms for meetings**

If a University society or group wishes to organise a meeting an appropriate room must be arranged through the Room Bookings Office (ext. 2042, e-mail: roombook@york.ac.uk) at least seven days in advance and the name of any visiting speakers must be given.

### **13.2 Publication of posters and notices**

All notices, posters and publicity statements for publication within the University must show the identity of the society, group or individual responsible for them. Any documents published within the University which do not conform with this requirement are liable to be removed and destroyed.

# APPENDIX 1

## Awards of the University

DLitt	Doctor of Letters
DMus	Doctor of Music
DSc	Doctor of Science
PhD	Doctor of Philosophy
EngD	Doctor of Engineering
MD	Doctor of Medicine
PhD	Doctor of Philosophy by publications
MPhil	Master of Philosophy
MPhil	Master of Philosophy by publications
MA (by research)	Master of Arts (by research)
MSc (by research)	Master of Science (by research)
MSc (by Thesis)	Master of Science (by Thesis)
MA	Master of Arts
LLM	Master of Laws
MPA	Master of Public Administration
MRes	Master of Research
MSc	Master of Science
MBiol	Master of Biology
MBiochem	Master of Biochemistry
MBiomedsci	Master of Biomedical Science
MChem	Master of Chemistry
MEng	Master of Engineering
MEnv	Master of Environment
MMath	Master of Mathematics
MNursing	Master of Nursing
MPhys	Master of Physics
MPsych	Master of Psychology
MSci	Master of Science
PGCert	Postgraduate Certificate
PGDip	Postgraduate Diploma
BA	Bachelor of Arts
BEng	Bachelor of Engineering
LLB	Bachelor of Laws
LLB (Senior Status)	Bachelor of Laws (Senior Status)
MBBS	Bachelor of Medicine, Bachelor of Surgery
BMedSci	Bachelor of Medical Science
BSc	Bachelor of Science
FD	Foundation Degree
CertHE	Certificate of Higher Education

DipHE

GradCert

GradDip

Diploma of Higher Education

Graduate Certificate

Graduate Diploma

University Certificate (60 credits at FHEQ level 4)

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August 2014

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