

APPENDIX TO MINUTE 117

FIRST REPORT OF THE COURT EFFECTIVENESS REVIEW WORKING GROUP

- 1 At its meeting on 22 March 2005, the Court set up a Working Group to review its effectiveness, comprising the following:

Mr ADJ Amoore (Convener)
Councillor P Johnston
Mr M Lockhead
Professor SD Logan
Dr M Mackie
Dr A Mair
Mr P Richards
Mrs M Ross

To date, the Group has met on five occasions. It has received and considered a range of papers relating to governance issues, including the new CUC *Guide for Members of Higher Education Governing Bodies in the UK*. It has issued a questionnaire seeking the views of members of Court and others who attend on a wide range of matters and has considered the outcome. It followed this up with interviews, and pursued further those issues which had been particularly prominent in the results of the questionnaire. (The results of the questionnaire and a summary of the principal points to emerge from the interviews are attached as appendices.)

- 2 A number of proposals have been made for improving the Court's effectiveness. These are set out below and cover three areas: the Size and Composition of the Court, the *Modus Operandi* of Court and the Recruitment and Development of Court Members.
- 3 Given the centrality of the question of the role of Court to the question of its effectiveness, it may be helpful to remind the Court of the attached Statement of Primary Responsibilities (Appendix A), which was approved on 24 May 2005. This was prepared in response to the new guidance from the Committee of University Chairmen, which heavily emphasised the changing nature of the role of governing bodies.

4 **Size and Composition of Court**

4.1 The Group has come to the view that the fundamental issue of size and composition requires the Court's consideration. The Group accepted that views varied diametrically as to whether the Court, as currently constituted, is too large. However, after due consideration, it came to the view that a smaller Court would be more effective and, accordingly, it agreed to recommend that its membership be reduced. A possible model for reduction is proposed in paragraph 4.3 below. This would retain the spread of stakeholder interests which some members of Court felt to be of significant benefit, though the Group wished to emphasise that Court members are not representative and should fulfil a corporate role.

- 4.2 The composition of Court, as presently constituted (28 members), is as follows:

Rector
Principal
Chancellor's Assessor
Rector's Assessor
Three Vice-Principals
One Assessor each from Aberdeenshire Council and Aberdeen City Council
Four Assessors from the General Council of the University
Six Senate Assessors (of whom at least two must be Readers or Lecturers at the time of their election)
President of the Students' Association
A maximum of eight co-opted members, no more than one of whom may be a member of staff.

Any central Vice-Principals, who are not among the three mentioned above, and Heads of College may be in attendance at Court meetings but they are not entitled to participate in any vote.

- 4.3 After considerable discussion, the Working Group agreed to propose to Court that a future composition (20 members) **might** be as follows:

Rector with the Rector's Assessor as alternate
 Principal
 Chancellor's Assessor
 Senior Vice-Principal
 One Assessor each from Aberdeenshire Council and Aberdeen City Council
 Two Assessors from the General Council of the University
 Three Senate Assessors (one chosen from each of the three Colleges by election by members of the Senate)
 President of the Students' Association
 A maximum of eight co-opted members.

Note: In order to ensure familiarity with the business of the Court, it is suggested that the Rector's Assessor be *in attendance* at those meetings of the Court where the Rector is also present.

- 4.4 A majority of members of the Working Group also recommend that moves be made to remove the Chair *ex officio* from the Rector, who, it was felt, would be better able to represent the interests of the student body as a member but not as President of the Court. It was noted that any changes to the position of the Rector would require primary legislation. The President of the Students' Association wished to record his opposition to this proposal. It is believed that any change to the position of the Rector's Assessor could be made by Ordinance.
- 4.5 The Working Group also recommends that a review of the Court's committee structure be undertaken, with a view to ensuring appropriate participation in the University's governance by all the University's stakeholders. Such a review would consider the effectiveness of these sub-committees and the representation of lay Court Members on them.

5 ***Modus Operandi of Court***

- 5.1 The Working Group believes that the following measures could be implemented to improve the way the Court operates:
- 5.2 The Court agenda should be revised so that Court focuses its attention primarily on key issues.

These issues are seen as:

- 5.2.1 Key Performance Indicators. The Committee of University Chairmen Governance Guidance encourages institutions to adopt such indicators. These indicators should cover academic performance, finance, staffing and other major operational issues.
- 5.2.2 Strategy and Planning, where Court considers the aims and approaches to the future development of the University.
- 5.2.3 Major decisions that Court is required to take, such as capital expenditure and capital realisations, and significant operational issues such as restructuring.
- 5.2.4 Standing Item on Future Business: The inclusion of a standing item where Court members are invited to propose issues for discussion at future Court meetings.
- 5.3 Court papers should be as succinct as possible with clear recommendations as to what action Court is being asked to take.

- 5.4 There should be developed a clear schedule of powers of decision that Court delegates to its committees.
- 5.5 All members of Court should annually sign a declaration of confidentiality to protect them and the Court in the course of fulfilling their corporate duties.

6 Recruitment and Development of Court Members

- 6.1 The Working Group considered the issue of remuneration of Court Members and agreed that the present practice of non-remuneration should continue.
- 6.2 The Working Group believes that the following measures could be implemented to improve the recruitment and development of Court members:
 - 6.2.1 That, as a matter of best practice, vacancies for co-opted members of Court should be advertised publicly and that a 'job description' be developed to assist in that recruitment process. In addition to any 'applications', the Nominating Committee would continue to approach directly any appropriate candidates.
 - 6.2.2 That, if the Court were to become smaller, it might be beneficial to create a pool of "associate" co-opted members, who would not be members of Court but who would enable the University to continue to meet its obligations to populate a number of standing and ad hoc committees, such as academic appeals or complaints, where such 'lay' representation is beneficial.
 - 6.2.3 That, while formal appraisal of Court members may not be necessary, a regular opportunity for members to have an informal meeting with the Senior Lay Member to evaluate their role within the Court and the effectiveness of the Court as a whole would be useful.
 - 6.2.4 That the Court should be given greater opportunity to engage both with the members of the academic community and with their fellow Court members.
 - 6.2.5 That new Court members be given the option of a more structured programme of induction and that 'refresher' seminars be made available to all members.
 - 6.2.6 That induction meetings be held for members appointed to its committees.

PJM/mg
23 November 2005

APPENDIX TO MINUTE 131

POLICY ON ACADEMIC APPEALS

Academic appeals will be reviewed to determine their competency, i.e. that they do not question academic judgement; that they are based on grounds of procedure, competency and/or prejudice; that supporting evidence has been provided; and that they have been submitted in accordance with the time limits indicated in 4 and 5 above. Where an appeal satisfies these conditions, a response to the appeal will be requested from the relevant member of academic staff who may, after discussion with others as appropriate (e.g. the Examiners), agree that the appeal should be upheld. If the appeal is not upheld at this stage, the response from the relevant member of academic staff and the student's Statement of Appeal will be reviewed by a Vice-Principal, who will decide whether or not a case for an appeal appears to exist. ~~In such cases, the response to the appeal from the relevant member of academic staff and the Vice-Principal's decision as to whether or not a case for an appeal appears to exist will be sent to the appellant.~~ If the Vice-Principal considers that a case for an appeal does not appear to exist, the appellant will be **sent a copy of the response from the relevant member of academic staff and will** be informed of the reasons for the Vice-Principal's decision. ~~In such cases, Notwithstanding the Vice-Principal's decision,~~ appellants will be informed that they may request that their appeal be considered by the Senate Academic Appeals Committee. **If the Vice-Principal considers that a case for an appeal appears to exist, the person who responded to the appeal will be informed of the Vice-Principal's reasons for this decision. Unless the person who responded to the appeal upholds the appeal on the basis of the Vice-Principal's comments, the appeal will be referred to the Senate Academic Appeals Committee for consideration.** [Guidance Notes 8, 9 and 10, respectively, give details of the procedures to be followed by the Vice-Principal and details of the composition of, and procedures to be followed by, the Senate Academic Appeals Committees]

APPENDIX TO MINUTE 133

CHANGES TO COMPOSITION OF THE HEALTH AND SAFETY COMMITTEE

It is proposed that the composition be changed to:

(changes marked *)

Convener (appointed by the Court)

***Three persons appointed by the Court**

Two nominees from each College

Such other persons who may from time to time be co-opted

Appointed by Trade Unions

AAUT 1 representative

***Amicus 2 representatives**

UNISON 2 representatives

TGWU 1 representative

Ex Officio

Director of Estates

***Director of Campus Services**

President of the Students' Association

Vice President, Sport of the Students' Association

Manager of the Students' AssociationIn attendance*

Deputy Estates Director

University Safety Adviser

***Assistant University Safety Adviser**

Occupational Health Adviser

Human Resources Officer

Health and Safety Co-ordinator, Estates Section

Note: The change to the number of appointees from Amicus is at the request of Amicus.

APPENDIX TO MINUTE 136

JOINT INFORMATION STRATEGY COMMITTEE

<i>Remit</i>	<ul style="list-style-type: none"> (i) To develop and monitor institutional strategy and policy on information management and, where appropriate, to make recommendations to the Joint Planning, Finance & Estates Committee and the Court. (ii) To approve annual Plans for the Library and IT Centre, developed in the context of the Institutional, College and Support Services Plans and to monitor their implementation. (iii) To make recommendations for resources in support of information management activities and to advise on and monitor the financial management of the Library and IT Centre. (iv) To report to the Court, as appropriate.
<i>Composition</i>	
<i>Senate</i>	Vice-Principal (Library & Information Services) - Convener Senior Vice-Principal Heads of Colleges
<i>Court</i>	Lay Member of Court Secretary to the University
<i>In attendance</i>	Librarian Director of IT Centre Other Officers, as appropriate
<i>Membership 2005-06</i>	Professor C Gane (Convener) Professor SD Logan Professor N Haites Professor AA Rodger Professor BD Macgregor <i>Vacancy</i> Mr S Cannon
<i>Clerk</i>	Mrs R Ramanan

APPENDIX TO MINUTE 140

RESOLUTION NO. 243 OF 2005

[Code of Practice on Student Discipline]

After consultation with the Senatus Academicus, the University Court of the University of Aberdeen, at its meeting on 13 December 2005 passed the following Resolution.

1. University Court Resolution No. 232 of 2003 [Code of Practice on Student Discipline] is hereby revoked.
2. The procedures to be followed in the exercise of the Senatus' powers in regard to student discipline shall be as set out below, the changes of substance from the existing Code of Practice being highlighted in bold type.
3. This Resolution shall come into force on the date on which it is passed by the University Court.

CODE OF PRACTICE ON STUDENT DISCIPLINE**1. PURPOSE OF THIS CODE**

The University is a community dedicated to the advancement and dissemination of knowledge through research, teaching and learning. Those objectives can be achieved only if the members of the University community can live and work beside each other in conditions of safety and security and with respect for the rights of others. This code is intended to support these objectives by prescribing sanctions against misconduct by students which interferes with the proper functioning of the University, its activities, or with the legitimate interests of those who work or study in the University. This code should be read and applied in the light of the above.

2. ACADEMIC MISCONDUCT**2.1 Cheating¹**

2.1.1 Cheating in any assessment, whether formative or summative, can result in disciplinary action being taken under this Code. For these purposes "Cheating" includes:

- (a) Possession in an examination of material which has not been authorised in writing by the relevant Course Co-ordinator. Students whose first language is not English may, however, refer to a dictionary where this is approved by the Head of the School² responsible for the examination;
- (b) Copying from another student in an examination;
- (c) Removing an examination book from an examination room;
- (d) Impersonating another candidate in relation to any assessment;
- (e) Permitting another person to impersonate oneself in relation to any assessment;
- (f) Paying or otherwise rewarding another person for writing or preparing work to be submitted for assessment;
- (g) Colluding with another person in the preparation or submission of work which is to be assessed. This does not apply to collaborative work authorised by the relevant course coordinator.
- (h) Plagiarism. Plagiarism is the use, without adequate acknowledgment, of the intellectual work of another person in work submitted for assessment. A student cannot be found to have committed plagiarism where it can be shown that the student has taken all reasonable care to avoid representing the work of others as his or her own.

¹ **NEW The role of the internal and external examiners shall be restricted to the presentation of evidence; they shall have no role in deciding whether a student is guilty of cheating.**

² **NEW Throughout the Code there are instances where the Head of School is stipulated as responsible for dealing with alleged cases of academic misconduct. Heads of School may however elect to delegate authority to another member of academic staff to undertake the task of investigating cases and meeting with students. The final decision in regard to whether academic misconduct may or may not have taken place must rest with the Head of School.**

3. OTHER FORMS OF MISCONDUCT

3.1 A person who, without good cause, does any of the following is guilty of misconduct under this Code:

3.1.1 Seriously disrupts, or seriously interferes with, the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere;

3.1.2 Obstructs, or seriously interferes with, the functions, duties or activities of any student, member of staff or other employee of the University or any authorised visitor to the University;

3.1.3 (a) Behaves in a violent, indecent, disorderly, threatening or offensive manner whilst on University premises or engaged in any University activity;

(b) Uses threatening, abusive or offensive language whilst on University premises or engaged in any University activity;

3.1.4 Engages in deception or other forms of dishonesty in relation to the University or its staff or in connection with holding any office in the University or in relation to being a student of the University;

3.1.5 Behaves in a way likely to cause injury to any person or impair safety on University premises or while engaged in any University activity;

3.1.6 Harasses any student, member of staff or other employee of the University or any authorised visitor to the University. For these purposes "harassment" means behaviour or language which is regarded by the person to whom it is directed as harassment and which would be regarded as harassment by any reasonable person.

3.1.7 Discriminates against any student, member of staff or other employee of the University or any authorised visitor to the University on any ground such as race, religion, gender, sexual orientation, ethnic or national origin or disability.

3.1.8 Intentionally or recklessly damages University property or the property of other members of the University community, or of any authorised visitor to the University;

3.1.9 Steals University property, or the property of other members of the University or of any authorised visitor to the University;

3.1.10 Misuses or makes unauthorised use of University premises or items of property, including computer misuse, **infringement of copyright when copying or downloading published information** and the misuse of safety equipment;

3.1.11 Deliberately does, or fails to do, anything which thereby causes the University to be in breach of a statutory obligation;

3.1.12 Fails, upon request, to disclose name, address and programme of study to an officer or employee of the University in circumstances where it is reasonable to require that such information be given;

3.1.13 Fails to comply with a previously-imposed penalty under this Code.

4. MISCONDUCT AND THE CRIMINAL LAW

4.1 Misconduct which is also a criminal offence

4.1.1 A person who, without good cause, engages in conduct which is a criminal offence according to the law of Scotland, is guilty of misconduct under this Code provided that the conduct in question:

(a) takes place on University premises, or

(b) is committed by a student engaged on a University activity, or

(c) affects or concerns other members of the University community, or

(d) is an offence of dishonesty, where the student holds an office of responsibility in the University.

4.2. University policy on criminal misconduct

4.2.1 The University may report to the police any allegation of criminal misconduct if it believes that this will best serve the interests of the University community or the wider public interest.

4.2.2. The University will report to the police any allegation of criminal misconduct:

- (a) where failure to do so may expose the University to criminal proceedings; or
- (b) if it is of a serious nature.

4.2.3. The University encourages any student who has been the victim of a criminal offence to report this to the University and to the police.

4.2.4. (a) Where alleged misconduct under this code constitutes a criminal offence, the University may take action under this code whether or not the matter has been referred to the police and whether or not criminal proceedings have been initiated.

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

(c) The University may, at its discretion, suspend any internal disciplinary action in respect of alleged criminal misconduct to await the outcome of any criminal proceedings.

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

5. PROCEDURE IN CASES OF ALLEGED MISCONDUCT

5.1 Reporting allegations of misconduct

5.1.1 Anyone may draw to the attention of the Secretary to the University any circumstances which he or she considers may constitute misconduct by a student of the University.

5.1.2 Allegations of academic misconduct should be reported to the Academic Registrar.

5.2 Disciplinary responsibilities

5.2.1 Subject to section 6 (disciplinary procedures conducted by Senior Wardens and other University Officers) and section 7 (procedures for dealing with academic misconduct) it is for either an Investigating Officer or a Disciplinary Committee appointed by the Senate to decide whether the conduct complained of, if admitted or proved, constitutes misconduct and if so, what penalty should be imposed.

5.2.2 In the first instance any formal complaint received which appears to involve a matter of student discipline will be referred to an Investigating Officer appointed by the Senate to investigate cases of alleged misconduct.

5.2.3. The Investigating Officer shall be a Vice-Principal. Where a Vice-Principal is the Head of a College and is called upon to act as an Investigating Officer in a case of academic misconduct it shall not be the Head of the College responsible for the School from which the allegation of misconduct has arisen.

5.3. Disciplinary Committees

5.3.1 Disciplinary Committees are appointed from the Disciplinary Committee Panel.

5.3.2 The Disciplinary Committee Panel comprises twelve staff and seven student members of the Senate appointed by the Senate each year to deal with breaches of discipline.

5.3.3 The Convener of a Disciplinary Committee, who will be selected by the Secretary to the University, need not be a member of the Panel.

5.3.4 A Disciplinary Committee shall consist of

- (a) a senior member of the Senate in the Chair, and
- (b) four other members of the Senate: two staff and two student members, selected by the Secretary to the University from the Disciplinary Committee Panel.

5.3.5 A student whose conduct is under scrutiny may insist that no student be included in the Committee. In this event, the Committee shall comprise a senior member of the Senate in the Chair, and four other staff members of the Senate selected by the Secretary to the University from the Disciplinary Committee Panel.

5.3.6 A student whose conduct is under scrutiny may object to the inclusion in the Committee of any particular person or persons on cause shown. **The student should be sent the Panel membership and asked to make known any objections, in writing, to the Clerk not less than seven days prior to the disciplinary hearing. Where the student objects to any individual of the Panel serving on the Committee it shall be for the Convener of the Committee to determine whether the objection should be upheld. If the objection is to the Convener of the Committee that objection to the Convener shall be determined by another Vice-Principal.**

5.4. Preliminary investigation by Investigating Officer

5.4.1. The Investigating Officer shall conduct such preliminary investigation as seems appropriate to the case, including the consideration of such representations as may be submitted by interested parties.

5.4.2. After preliminary investigation the Investigating Officer may:

- (a) dismiss the allegation of misconduct, or
- (b) in the case of misconduct other than academic misconduct, conduct a hearing on the alleged misconduct and determine the case in accordance with paragraphs 5.5 – 5.7 below;
- (c) in the case of academic misconduct, conduct a hearing on the alleged misconduct in accordance with paragraphs 5.5 – 5.7 below, and impose a penalty in accordance with section 8 below.

5.4.3. Where the Investigating Officer has decided to deal with the case in accordance with paragraph 5.4.2(b) or (c), the student may request that the case be heard by a Disciplinary Committee. **Where the case is heard under paragraph 6 below, that option will not be available to the student.**

5.4.4. If, after preliminary investigation, the Investigating Officer forms the view that any penalty available to him or her in the event of a finding of misconduct would be inadequate, the case must be referred to a Disciplinary Committee.

5.4.5. The Investigating Officer may hear the case or refer it to a Disciplinary Committee only if there appear to be good reasons for believing that misconduct may have occurred.

NEW 5.4.6. If, having heard the case, the Investigating Officer forms the view that the penalty available to him or her in the event of a finding of misconduct is inadequate³, the case must be referred to a Disciplinary Committee, but *only* for consideration of the penalty.

5.5. Disciplinary Hearings

Subject to Section 7 below (procedure in cases of academic misconduct) the following procedures shall be followed in all cases of misconduct.

³ **NEW This would happen in a case where new evidence came to light at the Hearing, which could not have been known during the preliminary investigation.**

5.5.1 Procedure prior to the hearing

5.5.1.1. **Subject to paragraph 5.5.1.1.1 below**, the student who is the subject of disciplinary proceedings (“the student”) shall be informed in writing of any allegations made against him or her and of the date and venue of the proposed hearing, normally with notice of at least seven days during term-time and fourteen days out of term.

NEW 5.5.1.1.1 Where, in the case of a minor breach of discipline, the matter is dealt with by a Senior Warden of a University Hall of Residence under section 6 of the Code of Practice, the period of notice is set out in paragraph 5.5.1.1 above may, at the sole discretion of the Senior Warden, be reduced to a period not less than three days.

5.5.1.2. The student shall be invited to respond in writing to these allegations, but shall not be required to do so.

5.5.1.3. The student shall be provided with a copy of the Code of Practice on Student Discipline and with any other relevant University Codes of Practice.

5.5.1.4 A hearing may be adjourned to a later date if the interests of justice would be served thereby.

5.5.1.5. The student shall receive copies of all written submissions which are to be considered at the hearing, normally at least seven days before the hearing during term-time and fourteen days out of term.

5.5.2. Representation

5.5.2.1 The student, and, where the proceedings are based on an alleged offence against another person, that person (“the complainer”), may be accompanied or represented at any hearing of the case by one person of his or her choice. The Investigating Officer, or the Convener of the Disciplinary Committee (“the Convener”), has the discretion to permit other persons to accompany the student or the complainer at the hearing.

5.5.2.2. The University will not provide legal or other representation for complainers or for students subject to disciplinary proceedings under this Code.

5.5.3. Conduct at the hearing

5.5.3.1. The Investigating Officer or the Convener will outline the procedures to be followed, **after which the witness(es) will be asked to leave until called to give evidence.**

5.5.3.2. The Investigating Officer will then outline the nature of the allegation(s) against the student and invite the student to state whether he or she admits or denies the allegations.

5.5.3.3. The Investigating Officer or Convener will invite the Head of the School or the person making the allegation of misconduct to make a statement.

5.5.3.4. The School or persons making the allegation of misconduct may at this stage present supporting evidence to the Investigating Officer or Disciplinary Committee. Evidence may include oral testimony of witnesses or previously submitted written evidence.

5.5.3.5. The Investigating Officer or Convener will invite the student to make a statement in response.

5.5.3.6. The student and/or the student’s representative may at this stage present supporting evidence to the Investigating Officer or Disciplinary Committee. Evidence may include oral evidence of witnesses or written submissions.

5.5.3.7. The Investigating Officer or Convener will take the opportunity to seek clarification on any points raised, both with the student and any witness(es).

5.5.3.8 Any oral evidence will be taken in the presence of the student or, in his or her absence, and with his or her approval, in the presence of his or her representative.

5.5.3.9 The student and/or his or her representative will be invited to address questions through the Investigating Officer or Convener to any witness(es) on their statement(s) and on their written submissions.

5.5.3.10. The student and/or his or her representative will be invited to give a concluding statement.

5.5.3.11. When all statements have been made, all witnesses heard and all questioning completed, all persons present other than the Investigating Officer or the members of the Disciplinary Committee must leave the room. The Clerk may, however, remain with the Investigating Officer or the Disciplinary Committee, provided that neither the student nor the complainant (if there is one) objects.

5.5.3.12. The Investigating Officer or Disciplinary Committee will consider the evidence and reach a decision, which will be communicated to the student in writing within three working days.

5.6 Determination of the case in the absence of the student

If the Investigating Officer or the Disciplinary Committee believes that a student has wilfully refused to attend a formal hearing, the case may be considered and a decision reached in the absence of the student.

5.7. Penalties

5.7.1 Penalties which may be imposed by an Investigating Officer

Subject to section 8 below (penalties in case of academic misconduct) if misconduct is admitted or, following a hearing, proved, an Investigating Officer may impose any of the following penalties:

- (a) a written or oral reprimand
- (b) a fine of not more than £250
- (c) exclusion for a period not exceeding 14 days
- (d) restitution or compensation not exceeding £250
- (e) expulsion from residence in University Halls of Residence
- (f) a combination of these penalties.

For the purpose of this rule 'exclusion' has the meaning attached to it under paragraph 12.5 below.

5.7.2 Penalties which may be imposed by a Disciplinary Committee

Subject to section 8 below (penalties in the case of academic misconduct) if misconduct is admitted or, following a hearing, proved, a Disciplinary Committee may impose any of the following penalties:

- (a) a written or oral reprimand
- (b) a fine of not more than £1000
- (c) exclusion for a period not exceeding 28 days
- (d) suspension of matriculated student status for a period not exceeding one half-session
- (e) restitution or compensation not exceeding £1000
- (f) expulsion from residence in University Halls of Residence
- (g) a combination of any of the above penalties, or
- (h) expulsion from the University

5.7.3. ~~Meaning of of matriculated student status~~

~~For the purpose of this rule 'Suspension of matriculated status' has the meaning attached to it under paragraph 12.54 below and 'exclusion' has the meaning attached to it under paragraph 12.65 below.~~

6. OTHER DISCIPLINARY AUTHORITIES

6.1 Certain categories of alleged minor breaches of discipline may be reported to and determined by:

- (a) a Senior Warden of a University Hall of Residence if the behaviour complained of occurred in a University Hall of Residence or involves University Hall of Residence property or staff, or otherwise involves a University Hall of Residence and is alleged to have been committed by one of its residents or by a non-resident matriculated student; or
- (b) the ~~Director of Information Systems and Services~~ **Head of the relevant Service**, if the behaviour complained of occurred in the Library, relates to Library books or involves the Library in any other way, or if the behaviour complained of occurred in the Computing Centre or relates to Computing Centre resources or equipment or involves the Computing Centre in any other way; or
- (c) the Director of Sport and Recreation Services, if the behaviour complained of occurred in facilities managed by the Director or involves the Sport & Recreation Services in any other way.

6.2 The powers exercised under this section of the Code are to be exercised only in the case of minor breaches of discipline, having regard, in particular, to the penalties which may be imposed. Otherwise, the matter should be referred to an Investigating Officer or to a Discipline Committee in accordance with the procedure set out in section 5.1.1 above.

6.3 In considering any case under this section of the Code, a Senior Warden, the ~~Director of Information Systems and Services~~ **Head of the relevant Service** or the Director of Sport and Recreation Services must follow the procedures set out under section 5.4 – 5.6 above for the investigation and determination of a case by a University Investigating Officer.

6.4 If misconduct of a minor nature is admitted or, following a hearing, proved, the penalty which may be imposed by one of the above shall be:

- (a) a written or oral reprimand
- (b) a fine of not more than £100
- (c) restitution or compensation not exceeding £100
- (d) suspension of Library, Computing Centre or Sport and Recreation Services rights, as appropriate, for a period not exceeding seven days.

6.5 If the student does not accept the decision, or the penalty imposed, under this section, he or she may request the Senior Warden, ~~Director of Information Systems and Services~~ **Head of the relevant Service** or Director of Sport and Recreation Services to refer the matter to the ~~Director of Student Affairs~~ **Deputy Secretary**. This is the only route by which decisions taken under Section 6 can be reviewed.

6.6 Any such request must be made in writing, not more than seven days after the date of the decision in question.

6.7 In the investigation and disposal of a matter referred to the ~~Director of Student Affairs~~ **Deputy Secretary** under paragraph 6.5 above, the ~~Director~~ **Deputy Secretary** (who, in such cases, would be deemed to be the Investigating Officer) must follow the procedures set out in section 5.4 – 5.6 above.

6.8 In disposing of a matter referred to the ~~Director of Student Affairs~~ **Deputy Secretary** under paragraph 6.5 above, the ~~Director~~ **Deputy Secretary** may not impose any other penalty, or any greater penalty than is set out in paragraph 6.4.

7. PROCEDURES FOR DEALING WITH ACADEMIC MISCONDUCT

7.1. Procedures for dealing with Plagiarism – General

7.1.1 Plagiarism is defined in paragraph 2.1.1 (h) above.

7.1.2 Any allegation of plagiarism must be made, in writing, to the Head of the School responsible for the course in respect of which the alleged plagiarism has occurred.

7.1.3 Where an allegation of plagiarism has been made the Head of the School shall:

- (a) in the case of **alleged** plagiarism by a student registered in undergraduate programme year 0-2, follow the procedures set out at paragraphs 7.2.1 – 7.2.15~~3~~ below;
- (b) in all other cases of **alleged** plagiarism, follow the procedures set out at paragraphs 7.3.1 – 7.3.7 below.

7.1.4 Heads of School may elect to delegate authority to another specified member of academic staff to investigate allegations of plagiarism and to meet with students, as described in paragraphs 7.2.3, 7.2.7 and 7.3.1 below. However, in regard to alleged plagiarism by students registered in undergraduate programme years 0-2 who have not previously been found to have committed plagiarism, the final decision as to whether plagiarism has or has not occurred must rest with the Head of the School (paragraph 7.2.4 refers); and in all other cases, the final decision as to whether plagiarism has not occurred or that there are good reasons for believing that plagiarism may have occurred shall also rest with the Head of the School (paragraphs 7.2.9~~8~~ and 7.3.2 refer).

7.2. Alleged plagiarism by students registered in undergraduate programme year 0-2

7.2.1. Where an allegation of plagiarism is made against a student registered in undergraduate programme year 0-2 the Head of the School shall immediately notify the Academic Registrar of the allegation in writing.

7.2.2. On receipt of this notice, the Academic Registrar will ascertain whether the student concerned has been the subject of any previous finding of plagiarism, or has received a formal written warning in respect of plagiarism in accordance with paragraph 7.2.6 below and shall notify the Head of the School accordingly.

A. Procedure where the student has not previously been found to have committed plagiarism

7.2.3 Where the student has not previously been found guilty of plagiarism, and has not previously received a formal written warning in respect of plagiarism, the Head of the School shall investigate and dispose of the allegation in accordance with the following procedures:

- (a) The Head of the School must meet with the student concerned as soon as possible.
- (b) The student must be informed by the Head of the School in writing of the reasons for the meeting, and that he or she may be accompanied by one person if they wish. At the same time the student must be provided with copies of all evidence supporting the allegation of plagiarism.
- (c) The Head of the School must arrange for another member of staff who is not already involved in the matter to be present at the meeting, and for a record of the meeting to be taken.
- (d) The student should be sent a copy of that record as soon as possible after the meeting.

7.2.4. The Head of the School, having considered all of the evidence submitted, including any statement or explanation by the student, may:

- (a) Decide that plagiarism has not occurred, or
- (b) Decide that plagiarism has occurred.

7.2.5 If the Head of the School decides that plagiarism has not been committed, he or she shall, as soon as possible:

- (a) inform the student in writing that no further proceedings will be taken;
- (b) inform the student that the mark awarded for the assessment in question will reflect the amount of independent work of the student and appropriately referenced work of the student;
- (c) provide to the student, in writing, the University definition of plagiarism and guidance on its avoidance, including how to reference material correctly.

7.2.6. If the Head of the School decides that plagiarism has been committed, a formal written statement to that effect shall be communicated to the Academic Registrar who shall issue a formal written warning to the student that any future allegation of plagiarism will be dealt with under the Code of Practice on Student Discipline. The finding of plagiarism shall be recorded in the Registry.

7.2.7. The Head of the School shall inform the student, in writing, that the mark awarded for the assessment component in question shall be zero. The Head of the School shall also provide to the student, in writing, the University definition of plagiarism and guidance on its avoidance, including how to reference material correctly.

NEW

7.2.8 A student may appeal to the relevant Senate Academic Appeals Committee against a decision by a Head of School under paragraph 7.2.6 that plagiarism has taken place in line with the University's policy and guidance on academic appeals. If the appeal under this paragraph is upheld the student shall be entitled to have the allegation of plagiarism against him/her re-investigated by the School.

B. Procedure where the student has previously been found to have committed plagiarism

7.2.9. Where the student has previously been found guilty of plagiarism, or has previously received a formal written warning in respect of plagiarism, the Head of the School shall proceed according to the following rules:

- (a) The Head of the School must meet with the student concerned as soon as possible.
- (b) The student must be informed by the Head of the School in writing of the reasons for the meeting, and that he or she may be accompanied by one person if he or she wishes. At the same time the student must be provided with copies of all evidence supporting the allegation of plagiarism.
- (c) The Head of the School must arrange for another member of staff who is not already involved in the matter to be present at the meeting, and for a record of the meeting to be taken.
- (d) The student should be sent a copy of that record as soon as possible after the meeting.

7.2.10 The Head of the School, having considered all of the evidence submitted, including any statement or explanation by the student, may:

- (a) decide that plagiarism has not occurred; or
- (b) decide that there are good reasons for believing that plagiarism may have occurred.

7.2.11 In the case of paragraph 7.2.10 (a) above, the Head of the School shall as soon as possible inform the student in writing that no further proceedings will be taken.

7.2.12 In the case of paragraph 7.2.10 (b) above, the Head of the School shall refer the matter in writing to the Academic Registrar in accordance with the procedures set out under section 5 above.

7.2.13 The student must be informed in writing that the matter is being referred to the Academic Registrar and will be investigated under this Code.

7.2.14 Full details of the allegation should be sent to the Academic Registrar with a covering letter and a copy of the record of the meeting of the Head of the School with the student.

7.2.15 The Head of the School shall ensure that a copy of the assessment and of any alleged source material is sent to the Academic Registrar. The Head of the School shall ensure that the nature and extent of the alleged plagiarism are clearly identified.

7.3 Plagiarism by students registered in undergraduate programme year 3 and above or at postgraduate level

7.3.1 Where an allegation of plagiarism is made against a student registered in undergraduate programme year 3 or above or at postgraduate level the Head of the School shall investigate and dispose of the matter in accordance with the following procedures:

- (a) The Head of the School must meet with the student concerned as soon as possible.

(b) The student must be informed by the Head of the School in writing of the reasons for the meeting, and that he or she may be accompanied by one person if he or she wishes. At the same time the student(s) must be provided with copies of all evidence supporting the allegation of plagiarism.

(c) The Head of the School must arrange for another member of staff who is not already involved in the matter to be present at the meeting, and for a record of the meeting to be taken.

(d) The student should be sent a copy of that record as soon as possible after the meeting.

7.3.2 The Head of the School, having considered all of the evidence submitted, including any statement or explanation by the student, may:

- (a) Decide that plagiarism has not occurred; or
- (b) Decide that there are good reasons for believing that plagiarism may have occurred.

7.3.3 In the case of paragraph 7.3.2 (a) above, the Head of the School shall as soon as possible inform the student in writing that no further proceedings will be taken.

7.3.4 In the case of paragraph 7.3.2 (b) above, the Head of the School shall refer the matter in writing to the Academic Registrar in accordance with the procedures set out under section 5 above.

7.3.5 The student must be informed in writing that the matter is being referred to the Academic Registrar and will be investigated under this Code.

7.3.6 Full details of the allegation should be sent to the Academic Registrar with a covering letter and a copy of the record of the Head of the School's meeting with the student.

7.3.7 The Head of the School shall ensure that a copy of the assessment and of any alleged source material is sent to the Academic Registrar. The Head of the School shall ensure that the nature and extent of the alleged plagiarism are clearly identified.

7.4 Records in respect of plagiarism

7.4.1 The Academic Registrar shall be responsible for maintaining a record of all findings of plagiarism under this Code, and all formal written warnings issued under paragraph 7.2.6 above.

7.5. Procedures for dealing with other forms of cheating

7.5.1 Cheating is defined in paragraph 2.1.1 above.

7.5.2 Where there is reason to believe that cheating may have taken place, the Head of the School must meet with the student concerned as soon as possible.

7.5.3 The student must be informed by the Head of the School in writing of the reasons for the meeting, and that he or she may be accompanied by one person if he or she wishes.

7.5.4 The Head of the School must arrange for another member of staff who is not already involved in the matter to be present at the meeting, and for a record of the meeting to be taken.

7.5.5 The student should be sent a copy of that record as soon as possible after the meeting.

7.5.6 The Head of the School, having considered all of the evidence submitted, including any statement or explanation by the student, may:

- (a) Decide that cheating has not occurred; or
- (b) Decide that there are good reasons for believing that cheating may have occurred.

7.5.7 In the case of paragraph 7.5.6 (a) above, the Head of the School shall as soon as possible inform the student in writing that no further proceedings will be taken.

7.5.8 In the case of paragraph 7.5.6 (b) above, the Head of the School shall refer the matter in writing to the Academic Registrar for action to be taken in accordance with the procedures set out under section 5 above.

7.5.9 The student must be informed in writing that the matter is being referred to the Academic Registrar and will be investigated under this Code.

7.5.10 Where an allegation of cheating is referred to the Academic Registrar full details of the allegation should be sent to the Academic Registrar with a covering letter and a copy of the record of the Head of the School's meeting with the student.

8. PENALTIES FOR ACADEMIC MISCONDUCT

Subject to the provisions of section 7.2.4 and 7.2.6 above (plagiarism in undergraduate programme years 0-2) the following penalties shall be imposed for cheating in prescribed assessments.

8.1. Cheating in undergraduate programme years 0-52

8.1.1 If an allegation of cheating is admitted, or if an Investigating Officer, or the Disciplinary Committee as appropriate, decides that such an allegation has been proved, the student shall be awarded zero marks for the component of assessment (for example, **a written examination or in-course assessment** ~~an in-course essay or report, or end of course written examination~~) in which he or she is judged to have cheated. However, the Investigating Officer or the Disciplinary Committee may choose to impose a lesser penalty where it is thought appropriate to do so. **If the penalty means that the student fails the course the normal rules for resits for that course shall apply. A plagiarised assignment cannot be resubmitted (i.e. the student must submit a different assignment if it is permitted under the rules for resits).**

NEW 8.2 Cheating in undergraduate programme years 3-5

NEW 8.2.1 If an allegation of cheating is admitted, or if an Investigating Officer, or the Disciplinary Committee as appropriate, decides that such an allegation has been proved, the student shall be awarded zero marks for the component of assessment (for example, a written examination or in-course assessment) in which he or she is judged to have cheated, and the student can attain no higher than CAS 9 for the overall assessment for the course. However, the Investigating Officer or the Disciplinary Committee may choose to impose a lesser penalty where it is thought appropriate to do so. **If the imposition of a penalty under this paragraph would mean that the student fails the course the normal rules for resits for that course shall apply. A plagiarised assignment cannot be resubmitted (i.e. the student must submit a different assignment if it is permitted under the rules for resits).**

~~8.2.28.1.2~~ Where a student is judged to have cheated in any component of assessment for more than one course in undergraduate programme years 3 or above, **the student shall be awarded zero marks for the course(s) and shall be expelled.** However, the Investigating Officer or the Disciplinary Committee may choose to impose a lesser penalty where it is thought appropriate to do so.

NEW 8.2.3 If the student had already satisfied the requirements for an award prior to the offence(s) being committed, the student would be allowed to graduate with that award.

8.32 Cheating in Taught Postgraduate Programmes

8.32.1 If an allegation of cheating is admitted, or if an Investigating Officer, or the Disciplinary Committee as appropriate, decides that such an allegation has been proved, the student shall be awarded zero marks for the course (or equivalent unit of assessment) in the assessment of which he or she is judged to have cheated. However, the Investigating Officer or the Disciplinary Committee may choose to impose a lesser penalty where it is thought appropriate to do so.

8.32.2 Where the student has been awarded zero marks under section 8.32.1, no resit examination, re-submission of assessed work or other re-assessment shall be permitted, nor can any other course be substituted for that which has been failed under that section. However, the Investigating Officer or the Disciplinary Committee may choose to impose a lesser penalty where it is thought appropriate to do so.

NEW 8.3.3 Where a student is judged to have cheated in any component of assessment for more than one course the student shall be awarded zero marks for the course(s) and shall be expelled⁴. However, the Investigating Officer or the Disciplinary Committee may choose to impose a lesser penalty where it is thought appropriate to do so.

NEW 8.3.4 If the student had already satisfied the requirements for an award prior to the offence(s) being committed, the student would be allowed to graduate with that award.

8.43 Research Degrees

8.43.1 If an allegation of cheating in respect of a research degree of the University is admitted, or if an Investigating Officer, or the Disciplinary Committee as appropriate, decides that such an allegation has been proved, the student shall fail the degree in respect of which the cheating is established, and shall not be permitted to submit work for this or any other research degree of the University. **The student shall be expelled.**

NEW 8.4.2 If the student had already satisfied the requirements for an award prior to the offence(s) being committed, the student would be allowed to graduate with that award (e.g. a Postgraduate Certificate or Postgraduate Diploma in Research Methods, appropriately designated).

9. RIGHTS OF APPEAL

9.1. Right of appeal against disposal by an Investigating Officer

9.1.1 A student has the right of appeal to a Disciplinary Committee against:

- (a) a finding of misconduct by an Investigating Officer and / or
- (b) any penalty imposed by an Investigating Officer

9.1.2 An appeal against a decision of an Investigating Officer must be made in writing to the University Secretary, stating clearly the grounds of appeal, not more than fourteen days after the date of the Investigating Officer's written decision.

9.1.3 An appeal against a decision of an Investigating Officer will normally be heard within twenty-eight days of the date on which the appeal is lodged with the University Secretary.

9.1.4 The Disciplinary Committee may:

- (a) set aside the finding of misconduct and quash any penalty imposed;
- (b) in the case of an appeal against the penalty, waive, uphold or reduce the penalty imposed by the Investigating Officer or substitute a penalty which could competently have been imposed by the Investigating Officer, provided that it is not more severe than that which was imposed by the Investigating Officer.

9.2. Right of appeal against disposal by a Disciplinary Committee

9.2.1 A student has the right of appeal to the University Court against:

- (a) a finding of misconduct by a Disciplinary Committee and/or
 - (b) any penalty imposed by a Disciplinary Committee
- (including any such decision taken in an appeal against a decision of an Investigating Officer).

⁴ The meaning of expulsion is given in Section 13.1.

9.2.2 An appeal against a decision of a Disciplinary Committee, must be made in writing to the University Secretary, stating clearly the grounds of appeal, within fourteen days of the date of the Disciplinary Committee's written decision.

9.2.3 An appeal against a decision of a Disciplinary Committee will normally be heard within twenty-eight days of the date on which the appeal is lodged with the University Secretary.

9.2.4 An appeal against a decision of a Disciplinary Committee will be heard by a Committee of the University Court. The Convener of this Committee will be a Vice-Principal, who will not have had a prior involvement in the appeal, nominated by the University Secretary. There will be three other members: a lay member of the Court; a second academic member of the Court; and either the President of the Students' Association or the Rector or the Rector's Assessor.

9.2.5 The Committee of the University Court may:

- (a) set aside the finding of misconduct and quash any penalty imposed;
- (b) in the case of an appeal against the penalty, waive, uphold or reduce the penalty imposed by the Disciplinary Committee, or substitute a penalty which could competently have been imposed by the Disciplinary Committee, provided that it is not more severe than that which was imposed by the Disciplinary Committee.

9.3. Right of appeal against disposal by the ~~Director of Student Affairs~~ Deputy Secretary

9.3.1 A student has the right of appeal to a student appeal panel against:

- (a) a finding of misconduct by the ~~Director of Student Affairs~~ **Deputy Secretary** and / or
- (b) any penalty imposed by the ~~Director of Student Affairs~~ **Deputy Secretary**.

9.3.2 An appeal against a decision of the ~~Director of Student Affairs~~ **Deputy Secretary** must be made in writing to the University Secretary, stating clearly the grounds of appeal, within fourteen days of the date of the ~~Director of Student Affairs~~ **Deputy Secretary's** written decision.

9.3.3 An appeal against a decision of the ~~Director of Student Affairs~~ **Deputy Secretary** will normally be heard within 14 days of the date on which the appeal is lodged with the University Secretary.

9.3.4 An appeal against a decision of the ~~Director of Student Affairs~~ **Deputy Secretary** will be heard by a panel comprising of the following: the University Secretary (Convener), a lay member of the University Court, a student representative appointed by the Students' Association, and a member of the Senate. With the exception of the Convener, no member of this panel shall have had any previous involvement with the case.

9.3.5 This panel may:

- (a) set aside the finding of misconduct and quash any penalty imposed;
- (b) in the case of an appeal against the penalty, waive, uphold or reduce the penalty imposed by the ~~Director of Student Affairs~~ **Deputy Secretary**, or substitute a penalty which could competently have been imposed by the ~~Director of Student Affairs~~ **Deputy Secretary**, provided that it is not more severe than that which was imposed by the ~~Director~~ **Deputy Secretary**.

9.3.6. The panel hearing appeals from a decision of the ~~Director of Student Affairs~~ **Deputy Secretary** is empowered by both the Senate and the Court to hear and determine the outcome of appeals in accordance with the procedures set out above. The decision of the panel is, therefore, final and not subject to further appeal within the University.

10. EFFECT OF DECISIONS

10.1 A decision of an Investigating Officer, if it is accepted by the student, or a decision of a Disciplinary Committee, even if not accepted by the student, shall be deemed to be a decision of the Senate itself.

11. INELIGIBLE PERSONS

Any member of the Senate who has been in any way involved in the complaint at any stage prior to investigation by an Investigating Officer, and/or prior to a hearing by a Disciplinary Committee will be ineligible to act either as Investigating Officer or as a member of a Disciplinary Committee in relation to the complaint concerned.

12. ~~EXPULSION, SUSPENSION OR EXCLUSION OF MATRICULATED STUDENT STATUS AND EXCLUSION FROM THE UNIVERSITY PENDING A HEARING~~ IN CASES OF URGENCY

12.1 The Principal, or in his or her absence a Vice-Principal, shall have the power to take immediate action to **expel**, suspend or exclude a student temporarily from the University. These powers can be used only in accordance with the procedures set out below.

12.2 The power to **expel**, suspend or exclude under this provision is to protect the members of the University community or members of the public in general or a particular member or members. This power shall be used only where the Principal, or in his or her absence a Vice-Principal, is of the opinion that it is urgent and necessary to take such action. **Expulsion should be used only where suspension or exclusion from specified activities or facilities is considered to be inadequate.** Reasons for the decision shall be recorded in writing and made available to the student. The student will also be informed of the initial duration of the suspension or exclusion.

12.3 A student who is the subject of a complaint of misconduct or against whom a criminal charge is pending or who is the subject of police investigation may have his or her matriculation suspended or be excluded, **or expelled** by the Principal or in his or her absence by a Vice-Principal, pending the disciplinary hearing or the trial.

12.47 No student shall be **expelled**, suspended or excluded unless he or she has been given an opportunity to make representations in person to the Principal, or in his or her absence, a Vice-Principal. Where for any reason it appears to the Principal or the Vice-Principal that it is not possible for the student to attend in person, he or she shall be entitled to make written representations.

12.58 In cases of great urgency, the Principal, or in his or her absence a Vice-Principal, shall be empowered to suspend a student with immediate effect, provided that the matter is reviewed within five days and the opportunities described in paragraph 12.87 are given.

12.69 A decision to **expel**, suspend or exclude from academic activities associated with the student's programme of study taken under this section shall be subject to appeal, at the request of the student. Such an appeal must be lodged in writing with the University Secretary, stating clearly the grounds of appeal, within five working days of the date of the decision, and must be heard within fourteen days of that decision. **Expulsion**, suspension or exclusion shall continue to be effective pending the outcome of any appeal hearing.

12.740 The appeal **against the decision to expel, suspend or exclude** shall be heard by a Committee of the University Court. The Convener of this Committee will be a Vice-Principal, nominated by the University Secretary. There will be three other members: a lay member of the Court; a second academic member of the Court; and either the President of the Students' Association or the Rector or the Rector's Assessor. **No member of the Committee shall who will not** have had a prior involvement in the **decision** appeal.

12.844 The appeal **against the decision to expel, suspend or exclude** shall not normally involve a hearing or submissions made in person, but the student shall be entitled to submit written representations. The convener of the panel may, ~~exceptionally~~, allow the student to appear before the panel and to make representations in person or through a representative.

12.942 The Principal or other person who took the original decision (or in his or her absence a Vice-Principal) shall review the suspension or exclusion every four weeks, or as is otherwise appropriate in the light of any developments and of any representations made by the student or anyone else on his or her behalf.

NEW 13. Meaning of expulsion, suspension or exclusion

13.1 Expulsion is the termination of matriculated student status involving a total prohibition on attendance at or access to the University and on any participation in University activities. A student who has been expelled will not normally be eligible for re-admittance to the University.

~~13.22.4~~ Suspension of matriculated student status involves a total prohibition on attendance at or access to the University and on any participation in University activities; but it may be subject to qualification, such as permission to attend for the purpose of an examination. Suspension should be used only where exclusion from specified activities or facilities is considered to be inadequate.

~~13.32.5~~ Exclusion involves selective restriction on attendance at or access to the University or prohibition on exercising the functions or duties of any office or committee membership in the University or Students' Association, or other bodies. It may also extend to restriction on access to other places such as hospital wards or school premises (where access to such places is integral to the student's programme of study or professional training). The exact details of such exclusion must be specified in writing.

~~13.42.6~~ An order of **expulsion**, suspension or exclusion may include a requirement that the student should have no contact of any kind with a named person or persons.

143. STANDARD OF PROOF

An allegation of misconduct under this Code cannot be upheld unless there is clear and convincing proof that the student has engaged in conduct set out in section 2 or 3 above, and, in the case of conduct set out in section 3, that there was no good reason for such conduct.

154. INDEPENDENT REVIEW

~~154.1~~ The University of Aberdeen has agreed to opt into the Universities Scotland Scheme for the Independent Consideration of Student Complaints in Scotland. This Scheme provides for students, who have exhausted a University's appeals and complaints procedures, to refer their appeal or complaint to an Independent Reviewer for Scottish Higher Education Institutions. Once the Independent Reviewer (or his/her nominee) has made a judgement, it would be for the University Court to decide whether or not to accept the judgement and on any remedial action to be taken. **In accordance with the Further and Higher Education (Scotland) Act, the Scottish Public Services Ombudsman (SPSO) has responsibility for investigating student appeals and complaints. The SPSO provides a route for those who have exhausted the University's appeals and complaints procedures, to refer their appeal or complaint for independent review, where they are dissatisfied with the handling of the internal appeals or complaints procedure. Once the SPSO has made a judgement, it would be for the University Court to decide whether or not to accept the judgement and on any remedial action to be taken.**

~~154.2~~ Students whose appeals are not upheld by the University will be informed of the procedures for seeking independent review of the University's decision. **Students whose appeals are not upheld by the University, or who have not submitted their appeal or documentary evidence by the required timescales (paragraphs 4.1, 5.1 and 6.3 refer), will be informed of the procedures for referral of their appeal to the Scottish Public Services Ombudsman for independent review.**

APPENDIX TO MINUTE 141

ORDINANCE of the UNIVERSITY COURT of the UNIVERSITY OF ABERDEEN No 135 [POWER TO EXTEND THE UNIVERSITY OF ABERDEEN BY AFFILIATING COLLEGES AND OTHER EDUCATIONAL BODIES At Aberdeen, the Thirteenth day of December Two Thousand and Five

WHEREAS the Universities (Scotland) Act 1966, Schedule 2, Part I, paragraph 1, empowers the University Court to amend its own powers:

AND WHEREAS the University Court deems it expedient, in the interests of good governance, to make additional regulations as to the powers of the University Court:

THEREFORE the University Court, in exercise of the powers conferred upon it by Section 3 of the Universities (Scotland) Act 1966, with particular reference to paragraph 1 of Part I of Schedule 2 to that Act, and all other powers enabling it in that behalf, and with particular reference to Section 15 (Extension of Universities) of the Universities (Scotland) Act 1889, hereby statutes and ordains:

- 1. The University Court shall have power to extend the University of Aberdeen by affiliating colleges and other bodies whose functions include higher or further education and/or research to the University of Aberdeen, subject to the following conditions:- (i) The University Court, and any college or other body shall be consenting parties. (ii) The University Court, or any college, or other body which under this Ordinance shall have been affiliated to the University of Aberdeen, may respectively at any time thereafter resolve that such college or other body shall cease to be affiliated to the University of Aberdeen; and upon such resolution being passed by the University Court, or notified to the University Court by such college or other body, the University Court shall, subject to the approval of the Universities Committee, rescind the Ordinance by which such college or other body was affiliated to the University of Aberdeen. (iii) Where it is deemed to be desirable, the University of Aberdeen shall make arrangements for the due representation of the University Court on the governing bodies of affiliated colleges or other bodies, and of the governing bodies of affiliated colleges or other bodies, on the University Court, having regard to the circumstances of each particular case. 2. The power conferred by Section 1 above shall be exercisable by Ordinance made in accordance with Section 4 of the Universities (Scotland) Act 1966.

This Ordinance shall come into force on the date on which it is approved by Her Majesty in Council.

IN WITNESS WHEREOF these presents are sealed with the Common Seal of the University Court of the University of Aberdeen and subscribed on behalf of the Court in terms of the Requirements of Writing (Scotland) Act 1995.

..... Member of the University Court

..... Secretary to the University

ORDINANCE of the UNIVERSITY COURT
of the UNIVERSITY OF ABERDEEN
No 136 [POWER TO INCORPORATE INTO THE
UNIVERSITY OF ABERDEEN OTHER
UNIVERSITIES, COLLEGES AND OTHER
EDUCATIONAL BODIES
At Aberdeen, the Thirteenth day of December, Two
Thousand and Five.

WHEREAS the Universities (Scotland) Act 1966, Schedule 2, Part I, paragraph 1, empowers the University Court to amend its own powers:

AND WHEREAS the University Court deems it expedient, in the interests of good governance, to make additional regulations as to the powers of the University Court:

THEREFORE the University Court, in exercise of the powers conferred upon it by Section 3 of the Universities (Scotland) Act 1966, with particular reference to paragraph 1 of Part I of Schedule 2 to that Act, and all other powers enabling it in that behalf, hereby statutes and ordains:

1. The University Court shall have the power to incorporate other universities, colleges and other bodies whose functions include higher or further education, teaching and/or research into the University of Aberdeen.
2. The exercise of the powers set out in Section 1 above shall be subject to the following condition:-

The University Court and any other university, college or other body to be incorporated into the University of Aberdeen shall be consenting parties.
3. The power conferred by Section 1 above shall be exercisable by Ordinance made in accordance with Section 4 of the Universities (Scotland) Act 1966.

This Ordinance shall come into force on the date on which it is approved by Her Majesty in Council.

IN WITNESS WHEREOF these presents are sealed with the Common Seal of the University Court of the University of Aberdeen and subscribed on behalf of the Court in terms of the Requirements of Writing (Scotland) Act 1995.

.....
Member of the University Court

.....
Secretary to the University