

BPP University General Academic Regulations

Section G – Rights and Duties

1. *Complaint and Appeal Rights*

- 1.1. All matters relating to complaints and appeals are managed through the Student Complaints Policy and the Academic Appeals Policy, which both detail the policies and procedures with respect to complaints and appeals, and also sets out what may be the subject of a complaint and what is more properly the subject of an appeal.
- 1.2. Complaints and appeals processes shall be private and confidential, and a student may only bring a complaint or appeal on their own part, with requests from third parties not accepted.
- 1.3. The University defines appeals and complaints as follows:
 - a) **Appeal** – a written request by a student for the reconsideration of a determination made by an officer, board, committee or panel of the University in relation to their status, progression, or achievement as a student.
 - b) **Complaint** – the notification by a student to the University of their dissatisfaction with an aspect of service or treatment that they have received from the University. A complaint should usually include an indication as to what resolution is being sought.
- 1.4. The University is expected to uphold the following principles with respect to Complaints:
 - a) Complaints are important feedback to the University which can enhance quality;
 - b) Students will not suffer disadvantage as a consequence of making a genuine complaint;
 - c) The University will seek to resolve complaints in a timely manner with the resources available;
 - d) The University shall endeavour to assist students to resolve their complaints informally before they invoke formal procedures; and,
 - e) Those University Officers tasked to investigate complaints shall do so impartially and objectively.
 - f) Anonymous complaints may be considered by the University and at the discretion of the Deputy Vice-Chancellor.
- 1.5. The University is to make the following provisions with respect to Academic Appeals:
 - a) **General Requirements** – appeals may be made for the following reasons:
 - i. The result of any investigation or action taken under these regulations; or,
 - ii. The **unconfirmed** result of a module or assessment element, published under the authority of the Dean of Academic Quality & Policy; or,

- iii. The **unconfirmed** result on the completion of a designated state in a programme, published under the authority of the Dean of Academic Quality & Policy.
- b) **Grounds for Appeal** – the following principles establish the grounds under which an appeal may or may not be made:
- i. There is reasonable ground supported by authoritative and objective evidence to believe there has been administrative or procedural error that would affect the outcome of the investigation or result; or,
 - ii. The decision in the case was manifestly unreasonable¹; or,
 - iii. There is new evidence that for good reason, objectively and authoritatively documented, could not be submitted earlier.
 - iv. The appellant is responsible for ensuring that all supportive evidence is provided at the time of appeal, and any evidence referred to in the appeal but not provided at the time of appeal will not be taken into account.
 - v. No appeal will be entertained against the academic judgement of the examiners in relation to the conduct of the examination.
 - vi. No appeal will be entertained against a judgement made on extenuating circumstances where extenuating circumstances have been submitted and considered by the Board of Examiners.
 - vii. Appeals or applications for extenuating circumstances based on complaints about the quality of programme delivery are not constitutive of an appeal. Rather, such concerns should be considered as a complaint.
- c) **Academic Appeals and Complaints Review Board** – where an appeal meet the relevant criteria of 1.4. a) and b), the Academic Appeals and Complaints Review Board will have the power to investigate and consider the case. This board shall not have members who were a member of the original board or panel against whose decision the appeal is being brought. Where there is an oral hearing of an appeal, an appellant may be accompanied by a member of staff or student of the University. Where an appellant fails to attend a hearing, the case may be decided on the basis of the documentation provided. The terms of reference and membership of the Academic Appeals and Complaints Review Board can be found in the Academic Committees Terms of Reference in Schedule A.
- d) **Annulment of a Decision by a Board of Examiners** – In the event of the Board of Examiners deciding not to act on a recommendation from the Academic Appeals and Complaints Review Board to reconsider a decision the provisions of Part E, Section 2, point 2.7b) of these General Academic Regulations will apply. Except where marks have been recorded incorrectly, a successful appeal will not result in any change in marks.

¹ **Manifestly unreasonable** – where it can be demonstrated without doubt that an officer of the University or a properly constituted University Panel or Board has made an irrational or logically flawed decision.

- e) **Conferment of an Award** – an award shall not be conferred until the appeals process has been finalised, and where the final decision of the Academic Appeals and Complaints Review Board results in the student being admitted to an award, the student will be deemed to have been admitted to that award on the authority of the Academic Council.

- 1.6. Office of the Independent Adjudicator (OIA) – where a student is dissatisfied with the decision of the University under either the complaints or appeals provisions, they may refer their concern to the Office of the Independent Adjudicator (OIA). The OIA is an independent body established by the Government to run an independent student complaints scheme for universities in England and Wales (further information can be found at www.oiahe.org.uk). Students must refer their concern to the OIA within 12 months of the date of the Completion of Procedures Letter being issued by the University.

2. *Academic Freedom and Freedom of Speech Rights*

- 2.1. The University recognises its responsibility to serve the public interest through the advancement of knowledge, fostering intellectual challenge and critical debate, and promoting inquiry, contestation, and innovation. The University is therefore committed to promoting academic freedom, and ensuring that academic staff have freedom, within the law, to question and test received wisdom and put forward new ideas and controversial or unpopular opinions without detriment to themselves. Furthermore, the University recognises the importance of freedom of speech and expression, within the law, even where the ideas and views expressed may be unpopular, controversial and contested.
- 2.2. The University fulfils these duties in line with the Education (No. 2) Act 1986 (Section 43); the Education Reform Act 1988; the Human Rights Act 1998 (which enshrines the European Convention of Human Rights (“the Convention”) into UK Law, and as such due regard is also to be paid to Article 10 of the Convention relating to the right to freedom of expression), the Equality Act 2010, the Counter-Terrorism and Security Act 2015 (Section 31), the Higher Education and Research Act 2017 (HERA), and the Higher Education (Freedom of Speech) Act 2023; as well as legislation that protects civic and academic freedoms, in accordance with UNESCO’s 1997 recommendation concerning the Status of Higher-Education Teaching Personnel. Restrictions may have to however be applied to the provisions set out within these regulations, the University’s Code of Practice as expressed in the Academic Freedom and Freedom of Speech Policy, where these are necessary within the law to protect the rights and freedoms of others, especially where there is a potential breach of the legislation and laws as set out above. The University has also taken due regard of The Office for Students (OfS) Regulatory advice 24: Guidance related to freedom of speech in the maintain the General Academic Regulations and University Policies and Procedures in relation to freedom of speech and academic freedom (hereon in referred to as the OfS FoS Guidance)².
- 2.3. In line with the expectations of HERA, and as advised by the OfS FoS Guidance, the University is required to adhere to the **secure duty** and the **code duty**. Both these General Academic Regulations and the corresponding University Policy and Procedure on Academic Freedom and Freedom of Speech, ensure the University fulfils these duties. These duties are detailed as follows in the OfS FoS Guidance:

² [OfS FoS Guidance](#)

- a. To take steps that, having particular regard to the importance of freedom of speech, are reasonably practicable for it to take in order to secure freedom of speech within the law for its students, staff and members, and for visiting speakers. This includes, in relation to academic staff, securing their academic freedom (section A1 and section A4 of Part A1 of HERA) (the 'secure duty'); and
 - b. To maintain a code of practice setting out matters relating to freedom of speech (section A2 and section A4 of Part A1 of HERA) (the 'code' duty).
- 2.4. The University adopts the definition of freedom of speech as defined by the Higher Education (Freedom of Speech) Act 2023, which in turn explicitly defines freedom of speech by reference to Article 10(1) of the European Convention of Human Rights ("the Convention"). Article 10 is as follows:

"1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority regardless of frontiers. This Article shall not prevent states from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity, or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary."

The OfS FoS Guidance emphasises in particular that *"The Act protects free speech within the law. It does not protect unlawful speech."* The University will therefore take all reasonably practical steps to secure freedom of speech within the law and only intervene where speech or expression falls outside of the law (and in breach of it), to protect individuals from harm as a result of illegality.

- 2.5. The University adopts the definition of academic freedom as defined by the Higher Education (Freedom of Speech) Act 2023, which is as follows:

"Academic freedom, in relation to academic staff at a registered higher education provider (or constituent institution), as their freedom within the law:

- a) *To question and test received wisdom, and*
- b) *To put forward new ideas and controversial or unpopular opinions*

Without placing themselves at risk of being adversely affected in any of the following ways:

- c) *Loss of their jobs or privileges at the provider;*
- d) *The likelihood of their securing promotion or different jobs at the provider being reduced.*

In line with the OfS FoS Guidance emphasis that *"The Act protects free speech within the law. It does not protect unlawful speech."* The University will take all reasonably practical steps to secure academic freedom for its academic staff and only intervene where exercise of that academic freedom falls outside of the law (and in breach of it), to protect individuals from harm as a result of illegality.

2.6. In upholding these duties, the University is clear it will protect academic freedom and freedom of speech in its activities through the following principles which are enacted through the Academic Freedom and Freedom of Speech Policy, in addition to more broadly protecting general rights to academic freedom and freedom of speech:

- a) Freedom in academic discussion, including on sensitive and controversial issues, within the validated curriculum and the agreed delivery approach of the module team, in addition to ensuring that freedom of speech and expression is embedded within learning and teaching materials and activities;
- b) Freedom to conduct and publish scholarship and research without commercial or political interference that would undermine the academic integrity of the work;
- c) Freedom from institutional censorship, including the right to express one's opinion about the institution or the education system in which one works where this is lawful and does not seek to harass.
- d) Freedom to participate in professional and representative academic bodies, including trade unions.
- e) Support the principle of freedom of speech and expression in its activities even where the ideas and views expressed may be unpopular, controversial and contested. Freedom of speech and expression and any connected activities must however be exercised within the law to protect the rights and freedoms of others. Activities are defined as including but not necessarily restricted to the provision of learning and teaching opportunities, tutorials, seminars, workshops, guest lectures, external speaker events, and social, pastoral, cultural, and political events arranged by students and/or staff.
- f) Whilst BPP³ will support the use of its premises and resources to uphold the principles of academic freedom and freedom of speech, BPP will not permit its premises or resources (that is buildings and facilities over which it has control, that includes online or virtual classrooms and communication spaces) to be used to promote or support radicalisation⁴, insurrection, incitement to riot, hatred, or violence towards a section of society, particularly those that share a protected characteristic, or other act that may lead to a breach of the peace or public disorder.
- g) There shall be no discrimination on the basis of the lawful exercise of academic freedom and/or freedom of speech in relation to admission and appointment to, and promotion within, the University, and also the decision making around, and subsequent award of honorary degrees. Terms and conditions of admission to the University as a student, or appointment/promotion terms for academic staff within the University, shall not seek to restrict academic freedom/freedom of speech.

3. *Public Information Duties*

³ BPP refers to BPP Holdings Limited and its UK subsidiary companies, which includes (but is not limited to), BPP University Limited and BPP Professional Education Limited.

⁴ BPP has a duty under the Counter-Terrorism and Security Act 2015 to have due regard to the need to prevent people from being drawn into terrorism.

- 3.1. The University has a duty to ensure the information it publishes to its students, prospective students, and other stakeholders is clear, accurate, and complete. The University ensures it is compliant specifically with the [Competition & Markets Authority's \(CMA\) UK higher education providers – advice on consumer protection law \(May 2023\)](#), and the [Office for Students' \(OfS\) Regulatory Framework for Higher Education in England](#).
- 3.2. Ultimate responsibility for the clarity, accuracy, and completeness of published University information resides with the Vice-Chancellor. This responsibility is delegated to the Head of the Operational Area on behalf of which the information is published (as set out below), who must ensure that it is factually correct and appropriately presented:
- a) The content of academic information relating to the provision of programmes, modules, and short courses and academic support within the Schools shall be the responsibility of the Dean of the relevant School;
 - b) Information published on behalf of the Students' Association shall be the responsibility of the Director of Education Services;
 - c) Information relating to academic governance and the Academic Development Plan shall be the responsibility of the Dean of Academic Quality & Policy;
 - d) Information relating to the central provision of students' pastoral support shall be the responsibility of the Director of Education Services;
 - e) Information relating to centre management and site facilities shall be the responsibility of the Chief Operating Officer;
 - f) All other information shall be the responsibility of the Vice-Chancellor or nominee;
 - g) Where there is dispute over the responsibility for, or the appropriateness of, material between University officers, the Vice-Chancellor shall arbitrate.
- 3.3. The Chief Marketing Officer shall be responsible for:
- a) Establishing and applying University branding styles and conventions to publications;
 - b) The design and presentation of material;
 - c) Ensuring there are appropriate systems in place to enable the generation and collation of information and updates for publication, including publishing an annual timetable for the production of standing publications, and that these systems provide reasonable time for review by internal stakeholders;
 - d) Liaising with and advising authors on the presentation of the information provided, including wording, tone of voice, and also ensuring that it is fit for purpose and conforms to University standards;
 - e) Acquiring the formal approval of final copy by the relevant University officer prior to publication and ensuring that it has been checked for compliance by Academic Quality;
 - f) The editing, presentation and placement of the information provided.

- 3.4. **Information Published by Approved Partners:** The University is responsible for the accuracy of the information published about it, its programmes and its services by approved partners or endorsed providers, whether in the UK or abroad. The University shall accept no responsibility for information about it published by third parties who are not operating as approved partners or endorsed providers. However, where such information is inaccurate and comes to the attention of the University, it shall endeavour to correct the information. All information from approved partners must either:
- a) adopt material produced and previously approved by the University without adaptation; or
 - b) be separately approved through the University's approval processes.
- 3.5. **Information Published in a Foreign Language:** Where information is published in a foreign language, either by the University or an approved partner, a verified translation must be provided in English. The translation may be verified either by an internal member of University staff, who has the requisite language skills, or by an approved translator.
- 3.6. **Changes to Material Information:** Changes to course-related information that is material information⁵ shall be approved and communicated in accordance with the Curriculum Development Policy and Academic Planning, Review and Monitoring Policy and in line with the University's Student Protection Plan. Express agreement to material information changes must be sought from current students and prospective students holding offers.

4. *Equality and Diversity Duties*

- 4.1. The University is fully committed to promoting equality and tackling discrimination to ensure fair access to learning and facilities for students and in enacts its duties outlined in these regulations through its Equality and Diversity Policy. We are committed to ensuring that all our services take account of the diversity of local, national and international populations, without compromising quality of service. Services should be accessible to students regardless of their protected characteristics: sex, gender reassignment, marriage or civil partnership, pregnancy or maternity, race (including ethnicity, nationality and colour) disability (including mental health), sexual orientation, age and religion or belief. We are also committed to promoting equality and tackling discrimination which creates barriers to learning as part of the wider duty under the [Equality Act 2010](#). As a leading provider of professional education the University expects all students to demonstrate respect and consideration for others and to behave in the manner expected of professional practitioners.
- 4.2. The [Equality Act 2010](#) and [Human Rights Act 1998](#) protect people in the UK from intolerance and discrimination. They ensure that people are able to live, work and study in an open and tolerant society. At BPP University and in the UK, students will be exposed to values and beliefs which may be different from those they are familiar with. Responding in a respectful way is sign of professionalism and demonstrates maturity required by all the professions. At BPP University, our values ensure that we learn

⁵ The Competition and Market Authority's publication [UK Higher Education Providers – Advice on Consumer Protection Law \(May 2023\)](#) describes material information as “information that the average consumer needs, according to the context, to take an informed transactional decision” and is likely to include course information, including title, entry requirements, modules, composition, assessment, award, location, duration, regulation, accreditation and any surprising terms, and total course costs.

through understanding and tolerance, whilst maintaining the ability to challenge divisive or radical perspectives which may threaten tolerance and respect.

4.3. Through the Equality and Diversity Policy, the University is committed to and meets all its statutory duties under the following relevant legislation.

- a) The Equality Act, 2010
- b) The Human Rights Act, 1998
- c) Special Education Needs and Disability Act, 2014
- d) Children and Families Act, 2014
- e) The Children's Act, 2004
- f) Mental Health Act, 1983
- g) Criminal Justice and Immigration Act, 2008
- h) The Racial and Religious Hatred Act, 2006
- i) The Civil Partnership Act, 2004
- j) The Gender Recognition Act, 2004
- k) The Protection from Harassment Act, 1997

5. *Harassment and Sexual Misconduct Duties*

5.1. The University has a zero-tolerance approach to the occurrence of harassment and/or sexual misconduct, and no member or guest of the University should be subject to harassment and/or sexual misconduct. The University takes multiple steps which could individually or in combination make a significant and credible difference in protecting students, staff, and visitors to the University from behaviour that may be considered harassment and/or sexual misconduct taking place.

5.2. The following definitions are adopted in relation to harassment and/or sexual misconduct, but are not necessarily exhaustive, and consultation should be taken with the University Proctor where there is ambiguity:

a) Harassment:

The University defines harassment as being subject to unwanted behaviour or conduct by an individual(s) which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment because of, or connected to, one or more of the protected characteristics as defined

in Section 26., subsection 5., of the Equality Act 2010. These protected characteristics incorporate:

- i. Age;
- ii. Disability;
- iii. Gender reassignment;
- iv. Race;
- v. Religion or belief;
- vi. Sex;
- vii. Sexual orientation.

Harassment can take place in person, but can also occur through non-physical forms of contact, such as online through social media, e-mail, and messaging platforms, through text messaging and telephone communications.

The expression of controversial, unpopular, and contested viewpoints does not necessarily constitute harassment, and whilst an individual may report a concern of harassment in response to the expression of such viewpoints, this may not be the case. Discomfort from the expression of controversial, unpopular viewpoints expressed within the law, does not necessarily represent being subject to harassment.

The University has a legal duty to promote and protect academic freedom and freedom of speech. Academic staff have freedom, within the law, to question and test received wisdom and put forward new ideas and controversial or unpopular opinions without detriment to themselves, across their scholarly work, teaching, and research. Furthermore, the University recognises the importance of freedom of speech and expression across all staff and students, within the law, even where the ideas and views expressed may be unpopular, controversial, and contested. (See sub-section 2 of this section of the GARs).

b) Sexual Misconduct:

Sexual misconduct encompasses any sexual behaviour that is unwanted and takes place without consent of the individual(s) involved, and includes, but is not limited to, sexual violence, sexual harassment, sexual assault, and gender-based violence.

Further to this, in addition to the unwanted nature of sexual behaviour, sexual misconduct has the effect of violating an individual(s) dignity, and being subject to

unwanted sexual behaviour can create an intimidating, hostile, degrading, humiliating and offensive environment for that individual(s).

Sexual misconduct does not need to take place in person, but can also occur through non-physical forms of contact, such as online through social media, e-mail, and messaging platforms, through text messaging and telephone communications.

Sexual misconduct can be committed by anyone, and anyone can be subject to sexual misconduct.

Forms of sexual misconduct, sexual harassment, sexual violence, and gender-based violence can include but are not limited to:

- i. Rape and sexual violence
- ii. Physical and/or psychological sexual violence
- iii. Inappropriate touching
- iv. Stalking and unwelcome sexual requests
- v. Abusive and coercive intimate relationships
- vi. Sharing of non-consensual visual or audio material (e.g., up-skirting, unwanted sharing of explicit content, image-based sexual violence, audio recordings).
- vii. Use of IT, Cyber, and Artificial Intelligence technologies to aid acts of sexual misconduct, sexual harassment, sexual violence, and gender-based violence.
- viii. Catcalling, wolf-whistling, leering, unwanted and degrading comments about a person's body, clothing, or sex life
- ix. Commercial sexual exploitation
- x. Honour based violence

- 2.1. Sexual misconduct can be defined to occur when there is a lack of informed consent. Informed consent is always required and cannot be assumed merely because an individual is in a relationship or has a previous sexual history with the other person(s). An individual who is incapacitated by alcohol or drugs also cannot provide informed and meaningful consent to sexual activity. Furthermore, informed consent can be withdrawn at any time prior to and during a sexual encounter, and whilst an individual may consent to one type of sexual and intimate activity, they can later not consent to

other sexual or intimate activities. Wherever consent is withdrawn, but sexual activity continues, this constitutes sexual misconduct as informed consent is not being given.

5.3. The University shall have the following mechanisms in place to prevent and manage harassment and/or sexual misconduct:

- a) Harassment and Sexual Misconduct Policy, (including related procedures) that sets out and governs clearly the way in which the University manages concerns in relation to harassment and/or sexual misconduct.
- b) Harassment and Sexual Misconduct Support Guide (for the purposes of OfS E6 regulation, the single source of information) that acts as a key roadmap of support and advice for students, staff, and third-party agencies/the general public in relation to harassment and/or sexual misconduct. The Harassment and Sexual Misconduct Support Guide does not take precedence over the University's General Academic Regulations and University Policies and Procedure however.
- c) Student Conduct Policy that clearly sets out and governs the investigative and disciplinary processes for students in relation to harassment and/or sexual misconduct.
- d) Employee-Student Relationships Policy that sets out and governs clearly the University's position on staff-student relationships, and management of concerns in this area.
- e) Staff Anti-Bullying and Harassment Policy that sets out and governs clearly the University's management of staff concerns relating to harassment and/or sexual misconduct.
- f) Clear utilisation of the broader General Academic Regulations, University Policies and Procedures, and university services to limit the personal and academic impact of concerns relating to harassment and/or sexual misconduct on students.
- g) Support to members of the University will be provided regardless of whether they wish to pursue any form of internal disciplinary, Police, and/or legal action. There may be instances however, where the University may be required to take internal disciplinary, Police, and/or legal action where there is a risk to the University and/or general public.
- h) Comprehensive training for both students and staff in relation to harassment and/or sexual misconduct, with a particular emphasis on its prevention across the University community, and reinforcing University policy, procedure, and support in relation to concerns in this area.

5.4. The following mechanisms of governance are established for the following purposes:

- a) The Conduct and Integrity Panel for the monitoring, evaluation, and continuous improvement of the University's continued approach to the prevention and management of harassment and/or sexual misconduct.
- b) The Student Risk Panel for the governance of acute individual cases of concern requiring risk assessment and management, including the management of external authorities such as Police and the Courts.
- c) The Student Discipline Hearings Panel for robust, evidence-informed, expertise-led decision-making on disciplinary offences in relation to harassment and/or sexual misconduct.

5.5. Academic Council delegates the management of issues relation to harassment and/or sexual misconduct to the University Proctor, who may in turn delegate certain responsibilities to nominee(s). Where there is uncertainty on the regulations, and sub-regulatory policy and procedure, the University Proctor has delegated authority to determine the procedure that should apply, and the decision will be final.

Policy Revision History

Version Number	Description	Author	Reviewed by	Approving Authority	Date
1.0	Revised and re-presented GARs following Stage 2 of the Regulatory Review.	Director of Academic Governance & Proctor	Dean of Academic Quality & Policy	Academic Council	July 2023
2.0	Updating of terminology to reflect changes to the UPPs structure	Director of Academic Governance & Proctor	Dean of Academic Quality & Policy	Academic Council	July 2024
3.0	Revisions to Academic Freedom and Freedom of Speech in line with OfS Guidance; New Harassment and Sexual Misconduct Section	Director of Academic Governance & Proctor	Dean of Academic Quality & Policy	Academic Council	July 2025