

General Student Regulations

Section 1 - Student Status - Offers, Registration, Enrolment, Termination, Break of Studies

2019-20

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1. Offers

- 1.1. All offers of a place to study a course or programme of study at the University are made subject to the Academic Regulations, these General Student Regulations, and the Course Handbook.
- 1.2. Acceptance of an offer can be via UCAS, via another agent of the University specified in the offer, via the University's admissions portal website or directly to the University. Acceptances communicated directly to the University must be in writing (email is acceptable, provided it is sent to accept@londonmet.ac.uk).
- 1.3. Once an offer-holder has accepted the offer and complied with any conditions of enrolment set out in the offer or the Academic Regulations or these General Regulations of the Course specific regulations the offer-holder will be entitled to enrol for the academic year set out in the offer.
- 1.4. The University may withdraw an offer and refuse to register an offer-holder as a student:
 - 1.4.1. At any time before the offer has been accepted;
 - 1.4.2. After it has been accepted but before the offer-holder has registered as a student, where:
 - 1.4.2.1. there is a change in the offer-holder's circumstances; or
 - 1.4.2.2. further information becomes available which, in the reasonable opinion of the University Secretary or Director of Student Journey, indicates that it would be inappropriate for the offer-holder to join the University or study on the course, that the offer-holder is not fit to study or if the offer-holder is joining a course which has professional accreditation that they are not fit to practise that profession; or
 - 1.4.2.3. in the University's opinion, the course is not viable (whether financially, logistically or academically) due to the number of students who have accepted offers.
- 1.5. The offer-holder may request that the Director of Student Journey reviews any such decision to withdraw an offer after acceptance.

2. Registration and Enrolment

- 2.1. All offer-holders must register as students and enrol on a programme/module(s) during the designated session notified to them by the University or (with the written agreement of the University) no later than the second week of their course. If an offer-holder has been offered a place during the second week of their course, the offer-holder must register as a student and enrol within 7 calendar days of the date of the offer.
- 2.2. If an offer-holder does not register as a student in the academic year set out in the offer, the offer shall lapse and offer-holder shall not be entitled to register as a student or enrol in any other academic year. An offer-holder may ask the University

to agree to defer their offer to the next year, provided such request is in writing, but this shall be at the University's discretion;

- 2.3. An offer-holder may only register as a student and enrol if:
 - 2.3.1. they meet the conditions of the offer or the requirements of the Course or Module regulations;
 - 2.3.2. they provide satisfactory evidence:
 - 2.3.2.1. of the qualifications on which the offer was based;
 - 2.3.2.2. to establish their full name, date of birth, and current address;
 - 2.3.3. they disclose any criminal convictions (see section 5 of the General Student Regulations);
 - 2.3.4. they pay their tuition fees in full or make arrangements for payment that are acceptable to the University before enrolment;
 - 2.3.5. they accept to be bound by all relevant regulations, procedures, policies and codes of conduct applicable to students, including but not limited to the Academic Regulations, these General Student Regulations and any relevant Course Specific Regulations;
 - 2.3.6. they can demonstrate that they are legally entitled to study in the UK;
 - 2.3.7. they acknowledge receipt of the University's data protection privacy notice.
- 2.4. Notwithstanding the requirements of clause 2.3.2, the Director of Student Journey may permit an offer-holder to register as a student and enrol subject to the condition that the required evidence is provided within a certain period of time and in any event no later than one month after their registration. If the student fails to provide satisfactory evidence within the period stipulated their registration shall be terminated.
- 2.5. Notwithstanding the requirements of clause 2.3.4, the Chief Financial Officer may permit an offer-holder to register as a student and enrol subject to the condition that their tuition fees are paid in full or arrangements for payment that are acceptable to the University are made within a certain period of time and in any event no later than one month after their registration. If the student fails to pay in full or make acceptable arrangements within the period stipulated their registration shall be terminated.
- 2.6. The University Secretary may publish additional rules and/or policies relating to the registration of offer-holders who are under 18 on the day of registration (referred to in these regulations as the "Under 18s Code"), which may include (but is not limited to) additional requirements, permissions or conditions. An offer-holder who is under the age of 18 on the day of registration may only register and enrol in accordance with the Under 18s Code.
- 2.7. A person who is not registered as a student may not enrol or re-enrol on a programme of studies.

3. Subsequent Enrolment

- 3.1. A student is entitled to re-enrol for the subsequent academic year or session provided that they:
 - 3.1.1. are registered as a student of the University and they/their registration has not been suspended (or if they are suspended that the suspension will expire before the start of teaching on the programme of studies for which they wish to re-enrol);
 - 3.1.2. are in good financial standing with the University. Good financial standing means that the student does not owe the University any money in respect of tuition fees. The University at its discretion may permit a student to enrol despite the fact they owe the University money and enrolment should not be considered proof that no money is owed or that any outstanding debt will not be enforced;
 - 3.1.3. remain fit to study;
 - 3.1.4. have made sufficient academic progress in accordance with the Academic Regulations; and
 - 3.1.5. have paid their tuition fees for the forthcoming year in full or made arrangements for payment that are acceptable to the University before enrolment.
- 3.2. A student will not be permitted to re-enrol after the Friday of the second week of scheduled teaching.
- 3.3. A student's right to re-enrol is subject to the Academic Regulations, these General Student Regulations and any relevant Course Regulations (which set out circumstances when a student may not be permitted to re-enrol).
- 3.4. Subject to any changes made in accordance with section 14 of the General Student Regulations re-enrolment is subject to the regulations prevailing at the time of the student's initial registration.
- 3.5. The University may only allow a student to re-enrol on academic probation, where conditions will be applied to their re-enrolment to ensure their engagement (including, but not limited to, attendance) with their Course.
- 3.6. Where a student has been suspended by the University for outstanding tuition fees or cannot re-enrol because of outstanding tuition fee debt and the tuition fee debt is paid after the last date of enrolment, they shall not normally be permitted to re-enrol until the next enrolment point for their course.
- 3.7. If a student does not re-enrol within 2 calendar months of their expected re-enrolment date and they have not applied for intermission, their registration may be terminated at the discretion of the Director of Student Journey.

4. Termination of Registration

- 4.1. A student's registration shall be terminated:

- 4.1.1. When they have completed their programme of studies and been awarded a degree (when they will become an Alum);
- 4.1.2. On the student's written request to withdraw, provided such request is addressed to the Director of Student Journey. The date of withdrawal shall be taken as the date on which the student's written notification of withdrawal is received by the Director of Student Journey. The last date of attendance shall normally be calculated from the student's last recorded access to the University;
- 4.1.3. By the Awards Board where it determines that under the relevant scheme regulatory framework or course specific regulations it is not possible and/or not likely that a student can successfully complete the course on which they are enrolled because of failure of modules, unsatisfactory standards of work or other academic reasons, their student status shall be terminated;
- 4.1.4. By the Director of Student Journey
 - 4.1.4.1. if the student is not regularly attending tuition;
 - 4.1.4.2. on the grounds that the student is shown to have given false or misleading evidence in support of their application or enrolment. This includes providing false information about qualifications obtained or failing to disclose a previous enrolment with any Higher Education Institution;
 - 4.1.4.3. where a student has taken a break from their studies (intermittent/interrupted) for more than one calendar year without the prior approval;
 - 4.1.4.4. on grounds of breaches of Health and Safety legislation or the University's policy on health and safety;
 - 4.1.4.5. where a student does not have (or no longer has) the right to study in the United Kingdom;
- 4.1.5. Pursuant to a decision taken under:
 - 4.1.5.1. The Academic Regulations, in particular (but not limited to):
Termination on Academic Grounds;
 - 4.1.5.2. these General Regulations, in particular (but not limited to):
Section 4 – Criminal Convictions;
Section 5 – Fees and Bursaries;
Section 9- Student Conduct;
- 4.1.6. By the Vice-Chancellor for other good cause, where in the opinion of the Vice-Chancellor it is appropriate to do so.
- 4.2. On termination of registration:
 - 4.2.1. the person shall no longer be a student of the University;
 - 4.2.2. all enrolments on a programme of studies shall terminate;

- 4.2.3. the student must return all property belonging to the University (including their ID card) to the Student Hub as soon as reasonably practicable and in any event within 2 weeks of the date termination; and
 - 4.2.4. Where termination is before the end of week 6 of the semester, all module registrations for that semester shall be cancelled and the relevant modules removed from the student's record whether or not the student has already submitted work.
- 4.3. Where a student's registration has been terminated pursuant to regulations 4.1.3, to 4.1.6, they may make representations in respect of or appeal in against the termination
- 4.3.1. Where termination was in respect of Misconduct (that is under section 9 - the Student Conduct) in accordance with that section;
 - 4.3.2. Where termination was in respect of fitness to study (that is pursuant to section – 10 the Fitness to Study Regulations), in accordance with that section
 - 4.3.3. In all other cases, in accordance with Section 10.8 of the Academic Regulations.
- 4.4. Where a student's registration has been terminated on the grounds of:
- 4.4.1. Academic misconduct;
 - 4.4.2. Misconduct under the Disciplinary Regulations;
 - 4.4.3. Non-attendance;
 - 4.4.4. Non-payment of tuition fees which remain unpaid; or
 - 4.4.5. providing false or misleading evidence in connection with their application, registration or enrolment.

That student shall not normally be permitted to register as a student again (whether on the same course or another course).

- 4.5. Where a student's registration has been terminated, an award shall be conferred based on the credits obtained prior to termination in accordance with the Academic Regulations.

5. Break of studies

General

- 5.1. Taking a break from studies encompasses three processes, namely:
- 5.1.1. Interruption - an approved break from studies whilst a student is not enrolled (made pursuant to clause 5.12);
 - 5.1.2. Intermission - an approved break from studies whilst a student is enrolled (agreed pursuant to clause 5.13); or
 - 5.1.3. Exceptional Changes to a Programme of Study – variation(s) to a student's programme of modules or its assessment in response to

exceptional, unforeseen circumstances during their studies (agreed pursuant to 5.17).

A break in studies is not intended for short absences of 3 weeks or less; in such cases an authorised absence can be requested pursuant to section 3 regulation 3.2 of the General Student Regulations).

- 5.2. Research degree students should refer to the provisions for intermitting their studies as detailed in Sections 5.2 and 5.3 of the Academic Regulations and this regulation 5 shall not apply to them.
- 5.3. Should a student wish to apply for a break in studies, an application must be made to the Director of Student Journey. The Director of Student Journey may refuse any request for a break from studies.
- 5.4. The minimum period for a break from studies shall be:
 - 5.4.1. Until the start of the next semester for courses principally following a semester based pattern of module delivery; or
 - 5.4.2. until the start of the next academic year, for courses principally following a year-long module structure.
- 5.5. The maximum permitted break from studies shall normally be one year. Any exceptional request above one year must be approved by the Director of Student Journey who may approve a maximum total break, during the course of a student's registration, in excess of one year.
- 5.6. A break from studies shall be counted as part of the stated period of registration for the award/course a student is enrolled on as will any unauthorised periods where a student is not enrolled.
- 5.7. Students whose residence in the UK is only permitted by the terms of a student visa cannot remain resident in the UK during a break from studies. The University will notify the relevant authorities if a break is agreed under these provisions. A student's return from a break in studies is subject to their right to continue studying in the United Kingdom; approval of a break in studies does not guarantee that a student will be permitted to return if the immigration rules (or other relevant legal requirements) mean that they do not have the right to study in the UK. A student's immigration status may affect how long they have to complete following a break in studies.
- 5.8. During a break from studies a student will remain registered as a student, but will not normally have access to University facilities and premises, but may be granted limited access at the discretion of the Director of Student Journey.
- 5.9. If, during an approved break, a student intends to resume their studies at the start of a semester or for the reassessment period, they must inform the Director of Student Journey in writing of their intention to do so.
- 5.10. A student who fails to resume their studies after the end of the agreed period of the break from studies will be deemed to have withdrawn and will have their registration as a student terminated.

- 5.11. The Director of Student Journey may impose conditions in respect of a student's return to studies.

Interruption

- 5.12. A student who wishes to take a break from his/her studies after the completion of an academic year for the following year (for example during the summer vacation period), must notify the University, via completion of the prescribed form or through online reenrolment, of their intention to take a break before they enrol and must specify the duration of their intended break from studies (refer regulations 5.4 and 5.5 above).

Intermission

- 5.13. Where an enrolled student's ability to complete their programme of studies is severely affected by circumstances which could not have been reasonably foreseen they may formally request an approved break from studies (intermission) provided such request is received before the University's published deadline for such requests.
- 5.14. A request for intermission shall be made by completing and submitting the prescribed Taking a Break from Studies Request Form, by the relevant published University deadlines. The Request shall include all relevant, supporting evidence and confirmation from the student that all necessary advice has been sought in respect of the implications of break in studies being approved.
- 5.15. Requests for intermission shall be considered by the Director of Student Journey and a senior member of the School in which the student is based.
- 5.16. Students should continue to attend while a decision on their request for intermission is pending.

Exceptional Change to a Programme of Study

- 5.17. Where an enrolled student's ability to complete their programme of studies is severely affected by circumstances which could not have been reasonably foreseen, but the student has not applied for intermission prior to the University's published deadline for intermission requests, they may formally request a change in their programme (Exceptional Change to a Programme of Study).
- 5.18. An Exceptional Change to a Programme of Study request shall be made by completing and submitting the Taking a Break from Studies Request Form, The request shall include all relevant, supporting evidence and details of the requested variation(s) to the student's programme.
- 5.19. Requests for an Exceptional Change to a Programme of Study shall be considered by the Director of Student Journey and a senior member of the School in which the student is based.
- 5.20. Students should continue to attend while a decision on their request for an Exceptional Change to a Programme of Study is pending.

General Student Regulations

Section 2 - International Students

2019-20

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1. Application and relationship with other Regulations

- 1.1. These International Students Regulations apply to any applicant, offer-holder, or student who requires immigration permission to enter or remain in the UK.
- 1.2. In case of conflict between these International Students Regulations and any other regulations, these International Students Regulations supersede any other requirements.

2. Admission Requirements

- 2.1. If an applicant is not a national of a majority English speaking country, as defined in Appendix B of the UK Immigration Rules, in addition to any other admission requirements they will be required to achieve specific levels in one of the acceptable English language tests or other alternative approved by the University for entry onto the relevant course. Acceptable English language tests, other approved tests and the scores required to be issued with an unconditional offer are published on the University's website.
- 2.2. If an applicant is not a national of a majority English speaking country, as defined in Appendix B of the UK Immigration Rules and is applying for a course that is below degree level (such as a pre-sessional English course or foundation course) the applicant will require a Secure English Language Test (SELT) certificate from an approved test provider demonstrating that they have reached the required levels in addition to any other admission requirements. The approved providers are listed in Appendix O of the Immigration Rules.
- 2.3. An applicant will be exempt from the English language test, (or other approved test) score requirement if they have studied and successfully completed a bachelor degree at a recognised institution authorised to issue bachelor degrees, in the UK or Ireland or in one of the countries defined in Appendix B of the UK Immigration Regulations as a majority English speaking country, except Canada.
- 2.4. The University requires satisfactory evidence of all students' qualifications, including a valid / verifiable language certificate/SELT where indicated, in order to issue such an applicant with an unconditional offer. Such applicants will be required to provide official transcripts or certificates that are clear and legible copies authenticated by the issuing organisation.
- 2.5. Admissions decisions are taken by the University in good faith on both the basis of qualifications provided and statements made in a student's application. If it is discovered that a false statement has been made or significant information has been omitted from a student's application form, the University may withdraw or amend its offer, refuse or withdraw sponsorship and terminate the student's enrolment at the University, according to the circumstances
- 2.6. If an applicant will require a Tier 4 (General) Student visa to study in the UK, receipt of an academic offer does not guarantee that such an applicant will be assigned a Confirmation of Acceptance for Studies (CAS).

- 2.7. The University is obliged to comply with guidance published by the UK Visas and Immigration in respect of how the sponsorship process is administered. In line with this guidance, the University must only assign a CAS to a student that they reasonably believe will go on to meet the requirements of the Tier 4 category under which the CAS is assigned. With this in mind the applicant's immigration status, immigration history, application and evidence will be assessed in accordance with the Tier 4 requirements, the Immigration Rules, published guidance and Home Office practice.
- 2.8. The University reserves the right to refuse a CAS even if the applicant meets all of the academic entry requirements if it does not reasonably believe that the applicant will go on to meet the requirements of the Tier 4 category under which the CAS is assigned.
- 2.9. The University reserves the right to refuse a CAS in order to support Variations of Applications of leave to remain.

3. Issue of Confirmation of Acceptance for Studies

- 3.1. Before any CAS will be issued:
 - 3.1.1. All applicants or offer-holders, who intend to fund their studies by US Federal Direct Loan funding must:
 - 3.1.2. have applied for Federal Direct Loan funding by the loan application due date publicised on the University's US Financial Aid website; and
 - 3.1.3. pay a deposit of £1,000.
 - 3.1.4. Any other International applicant or offer-holder (including those who intend obtain loan funding through private loan funding organisations/banks (or any US non-federal loan program)) must pay a deposit of 50% of the full listed annual tuition fee.
- 3.2. An International applicant or offer-holder will not be required to pay the mandatory deposit as indicated above if they have been awarded a full scholarship by London Metropolitan University
- 3.3. Requests for refunds of any deposit paid will be dealt with in accordance with the University's Fees Regulations.
- 3.4. If an International student is eligible for any partial scholarship awarded by London Metropolitan University (for example, a country specific scholarship), this amount is deductible after their enrolment from the tuition payment that remains payable.
- 3.5. If an International Student is sponsored by a recognised and approved* sponsorship body (The British Council, Governmental or its authorised agencies or employer), the sponsor will be required to supply evidence confirming that they are responsible for the payment of tuition fees for the duration of their course. (*an approved sponsor is one that is recognised by the University or one that has been granted approval by the University)
- 3.6. International Students who are allowed to enrol on a course with a visa that expires before the end date on their course, do so at their own risk. It is the responsibility of

such students to ensure that they will be able to meet all of the requirements required in order to extend their current immigration permission, or meet the requirements in order to successfully obtain a Tier 4 visa in order to complete the course in the UK. In some cases, this might require the student to return home and reapply for a new visa to come back to the UK. The University reserves the right to refuse to issue a CAS for a student to complete their course if all of the requirements under Tier 4 are not met or if the student's attendance, progression or engagement since enrolment has been unsatisfactory.

4. Enrolment

- 4.1. All International offer-holders will be required to present their original current passport or travel documents and valid UK visa for verification at enrolment. If an International offer-holder cannot present these documents at the time of enrolment, they may only be allowed to enrol at the discretion of the Immigration and International Student Advice Manager. If the offer holder is awaiting the outcome of an immigration application the decision to enrol will be dependent on the status and type of application, original documentation held and may require the University to undertake an immigration check with UK Visas and Immigration before the enrolment can be completed.
- 4.2. All International offer-holders will be required to present the originals of all qualification documentation used in the issue of their study offer for verification at enrolment.
- 4.3. For each academic year of study, all International Students are required to pay tuition fees, as notified to them by the University. Unless stated otherwise, the tuition fee quoted in any offer letter does not include any charges for residential accommodation, examination retakes in accordance with the University's usual policy, extensions to the designated period of study or travelling expenses and other miscellaneous expenses which may be related to a programme of study.

5. After Enrolment

- 5.1. All International Students must inform the University of their UK contact details (UK residential address and telephone number) and immediately inform the University of any changes to their contact details.
- 5.2. All International Students are required to attend all lectures, tutorials, examinations and other activities which form part of their programme of study/course. This includes the requirement to submit all pieces of assessed work on time.
- 5.3. All International Students' attendance will be monitored for the duration of their courses and failure to meet satisfactory attendance requirements will result in further action including warnings and withdrawal of sponsorship and termination.
- 5.4. If a student requires a CAS to support an extension of leave in order to continue a course, the University will consider the student's attendance, progression and engagement to date. The University reserves the right to refuse a CAS for a student

to complete their course if all of the requirements under Tier 4 are not met or if the attendance, progression or engagement is deemed unsatisfactory.

- 5.5. All International Students on a Tier 4 Student Visa and sponsored by the University under Tier 4 of the Points Based System (PBS), will be subject to the reporting requirements set out by the Home Office in the Tier 4 Sponsor Guidance. If any such International Student fails to meet all of the attendance requirements as laid down in that guidance, is withdrawn, suspended, or intermits, the University is obliged to report this action to the Home Office in line with the Guidance and sponsorship of their Tier 4 visa will be withdrawn.
- 5.6. All International Students must adhere/comply to the conditions of their visa at all times. The University is legally required to report to the Home Office any student who breaches the conditions of their UK visa, whether sponsored by the University or not.
- 5.7. All International Students must inform the University immediately if their immigration status changes at any time and provide the University with copies of all correspondence that they receive from the Home Office in relation to their current immigration status, if they leave the UK permanently or switch into another immigration tier.

6. International Students who are under 18

- 6.1. Where an International student will be under 18 at the time of registration and enrolment, in addition to the requirements of the under-18 code, their parent/legal guardian will be required to:
 - 6.1.1. Provide their written consent for the student to study at the University.
 - 6.1.2. Where the student does not already have a parent/legal guardian living in the UK, nominate a legal guardian for the student in the UK (who must be a relative or a person whom the student's parent/legal guardian nominates as the student's guardian while the student is under the age of 18 in the UK) in accordance with the University's policy on the admission of students under the age of 18.
 - 6.1.3. Provide the student's arrival details from their home country before the start of the course including travel details and arrival meeting arrangements.
 - 6.1.4. Provide the student's UK accommodation details.

General Student Regulations

Section 3 - Post-Enrolment Obligations

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1 Post-enrolment Obligations on the University

- 1.1 After a student has registered and enrolled the University shall:
 - 1.1.1 provide the student with the tuition and learning support associated with their Course with reasonable care and skill;
 - 1.1.2 make reasonable efforts to deliver the student's Course as described in the relevant Course Handbook for the appropriate academic year; and
 - 1.1.3 Examine the student in accordance with the Academic Regulations and confer any awards to which they are entitled under the Academic Regulations.

2 Post-enrolment Obligations on Students

- 2.1 All students enrolled on a programme of study must
 - 2.1.1 Take responsibility for their own learning and make appropriate use of all the resources available;
 - 2.1.2 Pursue their studies diligently and not hinder the studies of others;
 - 2.1.3 Complete and submit any work to be assessed by the deadlines (subject to any revised deadlines agreed because of mitigating circumstances);
 - 2.1.4 Familiarise themselves with the academic conventions and requirements regarding plagiarism and other academic misconduct;
 - 2.1.5 Familiarise themselves and comply with relevant University policies, rules and regulations, including those relating to their programme of study and the award for which they are registered;
 - 2.1.6 Monitor their University provided email account and relevant notice boards for notices and University communications; and
 - 2.1.7 be aware of the Student Complaints Procedure and Student Conduct Regulations and the circumstances in which they may be used, taking account of deadlines by which representations have to be made.

3 Attendance

- 3.1 All students must attend all tuition (including all lectures, tutorials, seminars, supervisions, progress meetings) specified for their programme of study;
- 3.2 Where a student is not able to attend tuition, they must request an authorised absence. Such a request will be considered by the student's Course Leader, and if the student is on a Tier 4 visa, the International Support Team. Requests for authorised absences may be requested in case of:
 - 3.2.1 Illness or an emergency (personal or medical emergency). Students will have to notify their course leader and, if applicable, the International Support Team by email, where possible before the lecture or seminar.

3.2.2 Unforeseen circumstances (for example network disruptions). Students will have to notify their course leader and, if applicable, the International Support Team by email as soon as they are able to.

The Course Leader will assess the request for authorised absence and notify the student, and if applicable the International Support Team, whether the request has been approved.

- 3.3 Where the illness is related to an existing disability, it is also recommended that students seek the support of the Universities Disabilities and Dyslexia Service. Where a student is registered with the DDS, the student must notify their Disability Adviser to discuss any further reasonable adjustments.
- 3.4 No authorised absence may exceed three weeks. If a student cannot attend for a period of more than three weeks then a break in studies may be requested in accordance with Section 2 regulation 6 of the General Student Regulations.
- 3.5 Students may have no more than three authorised absences per semester, per module.
- 3.6 The International Support Team may request evidence to support the student's request.
- 3.7 If a student does not attend all tuition and the absence is not authorised, the Director of Student Journey may terminate the student's registration under section 2 regulation 4.1.4 of the General Student Regulations;
- 3.8 If a student does not attend all tuition for a module and the absence is not authorised then the Director of Student Journey may, at the request of the Module Leader withdraw the student from that module.

General Student Regulations

Section 4 - Criminal Convictions

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1 General

1.1 The University welcomes students from a wide variety of backgrounds and aims to provide a supportive learning environment in which students can fulfil their potential. It recognises that some of its applicants and students:

- 1.1.1 may have unspent criminal convictions;
- 1.1.2 may have spent criminal convictions that may be relevant in relation to their proposed course of study;
- 1.1.3 may be charged with a criminal offence during the course of their study;
- 1.1.4 may be convicted of a criminal offence during the course of their study;

1.2 The University aims to treat all such students fairly, while having due regard for its duty of care to all members of the University community and any professional or regulatory requirements of their course. Disclosure of a conviction does not automatically result in the withdrawal of an offer or the termination of registration.

1.3 In relation to all aspects of these regulations, the key points the University will consider when making a judgement are set out below:

- 1.3.1 the seriousness of any offence or other matter revealed;
- 1.3.2 the length of time since the offence or other matter occurred;
- 1.3.3 whether the individual has a pattern of offending behaviour or other relevant matters;
- 1.3.4 whether the individual's circumstances have changed since the offending behaviour or other relevant matters occurred;
- 1.3.5 the circumstances surrounding the offence and the explanation(s) offered by the convicted person;
- 1.3.6 whether the course of study has any professional accreditation or registration which would affect the recruitment of students with an offending history; and
- 1.3.7 if related to a Relevant Placement Course, whether the conviction or other matter revealed is relevant to that course.

1.4 In these regulations

1.4.1 Relevant Offences means:

- 1.4.1.1 Offences including any kind of violence including (but not limited to) threatening behaviour, offences concerning the intention to harm or offences which resulted in actual bodily harm.
- 1.4.1.2 Sexual offences, including those listed in the Sexual Offences Act 2003, or offences harassment or stalking.
- 1.4.1.3 The unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking (drug offences only involving possession are not relevant offences).
- 1.4.1.4 Offences involving firearms, explosives, knives or other weapons.
- 1.4.1.5 Offences involving arson.

1.4.1.6 Offences involving terrorism.

1.4.2 Relevant Courses means

1.4.2.1 A course where the relevant regulator requires the University to assess a student's or applicant's character or suitability for a profession within Part I of Schedule 1 of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended) ('Regulated Professions'); or

1.4.2.2 A course including a compulsory element which involves activities within Part II of Schedule 1 of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 ('Regulated Activity').

Relevant Courses include (but are not limited to) Dietetics, Counselling Psychology, Social Work, Initial Teacher Training (e.g. PGCE), Primary Education, Early Childhood Studies, Montessori Early Childhood Practice and Early Years Education.

2 Disclosure of unspent criminal conviction by offer holders

- 2.1 To protect staff and students, including those under 18 and adults at risk from harm, offer holders who has an unspent criminal conviction relating to a relevant offence must disclose it in accordance with these regulations once an offer of a place on a course has been made.
- 2.2 In accordance with the Rehabilitation of Offenders Act 1974, offer holder who are applying for courses which do not involve a Relevant Placement or Relevant Activities do not need to disclose any spent convictions. If a spent conviction is disclosed in error, it should be ignored.
- 2.3 When an offer holder declares an unspent conviction relating to a relevant offence they will be asked to give a full and frank account of the conviction to the member of admissions staff, who will then inform the course leader and Head of School. The Head of School and the course leader will then consider whether or not the offer holder should be permitted to register as a student.
- 2.4 The Head of School will refer the matter, with their recommendation, to the Director of Student Journey for a final decision. The decision of the Director of Student Journey is final and there is no right of appeal.

3 Failure to disclose Unspent criminal conviction by offer holders

- 3.1 All offers of a place on any course at the University (including "unconditional" offers) are conditional upon the:
 - 3.1.1 the offer holder disclosing all unspent criminal convictions relating to a relevant offence in accordance with these regulations;
- 3.2 Failing to disclose in accordance with regulation 3.1.1 means that the offer holder has failed to meet the conditions of their offer. The offer holder may not register as a

student and if already registered as a student, the Director of Student Journey may terminate their registration.

- 3.3 Any failure to disclose an unspent criminal conviction, relating to a relevant offence, when asked, will be regarded as a serious act of misrepresentation and an attempt to deceive or mislead the University.
- 3.4 Where an offer-holder or student has failed to disclose an unspent criminal conviction relating to a relevant offence when asked, or has otherwise failed to comply with these regulations, the Director of Student Journey may withdraw their offer or if already registered as a student terminate their registration.

4 Disclosure of criminal convictions when applying to Relevant Courses

4.1 Any applicant who

4.1.1 applies to the University to study a Relevant Course; and

4.1.2 has any unspent criminal convictions or any spent criminal convictions that are not eligible for filtering,

must disclose all unspent convictions and all spent criminal convictions that are not eligible for filtering at the earliest stage and before an offer is made of a place on a course.

- 4.2 In accordance with the Rehabilitation of Offenders Act 1974, applicants who have an unspent criminal conviction(s) that are eligible for filtering. If a conviction eligible for filtering is disclosed in error it should be ignored.
- 4.3 When an applicant has a spent conviction that is not eligible for filtering and declares it prior to receiving an offer, they will be asked to give a full and frank account of the conviction to the member of admissions staff, who will then inform the course leader and Head of School. The Head of School and the course leader will then consider whether to recommend that the applicant be made an offer, reject their application, or if an offer-holder, be permitted to register as a student.
- 4.4 The Head of School will refer the matter, with their recommendation, to the Director of Student Journey for a final decision. The decision of the Director of Student Journey is final and there is no right of appeal.

5 Failure to disclose criminal convictions when applying to Relevant Courses

5.1 All offers (including “unconditional offers”) of a place on a Relevant Course or a course that involves a Relevant Placement are conditional upon:

5.1.1 The applicant disclosing all unspent convictions in accordance with these regulations; and

5.1.2 the applicant applying for a Relevant Course disclosing and spent criminal convictions that are not eligible for filtering; and

5.1.3 the applicant complying with these regulations.

- 5.2 If a student fails to disclose an unspent conviction or a spent criminal conviction that is not eligible for filtering before an offer is made, or at any time after, this will be regarded as a serious act of misrepresentation by the student and an attempt to deceive or mislead the University.
- 5.3 Where a student fails to disclose an unspent conviction or a spent criminal conviction that is not eligible for filtering, or has otherwise failed to comply with these regulations, the Director of Student Journey may withdraw the offer or terminate their registration on the basis that these conditions have not been fulfilled.
- 5.4 In certain circumstances, a failure to disclose a previous conviction may also amount to a criminal offence and the University may report this to the Police

6 Disclosure and Barring Services Checks

- 6.1 Before, or as soon as is practicable after, enrolment, all students on a Relevant Course must:
 - 6.1.1 Provide a portable Disclosure and Barring Service (DBS) certificate for the correct level and workforce and consent to the University checking if anything has changed on the certificate; or
 - 6.1.2 Arrange for a new DBS certificate for the correct level and workforce via the University and provide the University with the new DBS certificate.
- 6.2 Before undertaking an element of the course involving Regulated Activity (such as a placement) all students enrolled on a Relevant Course must:
 - 6.2.1 consent to the University checking if anything has changed on a portable DBS certificate that has been provided to the University previously; or
 - 6.2.2 Provide a portable Disclosure and Barring Service (DBS) certificate for the correct level and workforce and consent to the University checking if anything has changed on the certificate; or
 - 6.2.3 Arrange for a new DBS certificate for the correct level and workforce via the University and provide the University with the new DBS certificate..
- 6.3 A DBS certificate is portable if the University can check it using the DBS Update Service.
- 6.4 Students must retain their DBS certificate for the duration of the course and must provide copy if requested by the Director of Student Journey, University Secretary or a placement provider.
- 6.5 The University will retain a copy of the DBS certificate provided and any update from the Update Service in accordance with the University's Records Retention policy.
- 6.6 All students registered on Relevant Courses are encouraged to subscribe to the DBS Update Service.
- 6.7 A student's registration on a Relevant Course may be terminated by the University Secretary, if the University Secretary is not satisfied:
 - 6.7.1 With the DBS disclosure;

- 6.7.2 that a student is not barred from working with children and/or vulnerable groups or in a regulated activity; and
- 6.7.3 with such other checks that the University or a placement provider is required to complete or undertake from time to time.
- 6.8 The student is responsible for the full cost of obtaining a DBS certificate, whether obtained via the University or via another organisation.
- 6.9 Students will not ordinarily be required to provide or apply for a further DBS certificate during the course unless
 - 6.9.1 a DBS status check reveals a change; or
 - 6.9.2 a status check is required and the student has not subscribed to the DBS Update Service.
- 6.10 It is a condition of enrolment that students consent to the University discussing the information contained in the DBS disclosure or status check with any placement provider. Students may be required to attend an interview with the placement provider to discuss the information contained in the disclosure or status check before a final decision on suitability can be taken.
- 6.11 In the event that relevant information about a student (whether in relation to previous convictions or otherwise) is obtained through a DBS check or DBS status check during the course of study, the University Secretary will determine how to proceed.
- 6.12 If an individual wishes to dispute any information contained in a disclosure, they can do so by contacting the DBS directly.

7 Criminal proceedings while a student

- 7.1 All students must immediately notify their Course Leader if:
 - 7.1.1 they are charged or convicted of any Relevant Offence; or
 - 7.1.2 they receive a police caution, reprimand or warning in respect of a Relevant Offence.
- 7.2 Students on a Relevant Course or where they are undertaking Regulated Activity as part of their course must immediately notify their Course Leader if
 - 7.2.1 they are charged with or convicted of any criminal offence; or
 - 7.2.2 they receive a police caution, reprimand or warning, or
 - 7.2.3 if there is a formal child protection investigation of the student or any member of their household or,
 - 7.2.4 if they are barred from working with children or vulnerable groups or in a regulated activity or;
 - 7.2.5 if they are the subject of a referral to the DBS
- 7.3 The Course Leader shall inform the Head of School of any notification.

- 7.4 In the event that relevant information about a student (whether in relation to previous convictions or otherwise) is volunteered by a student during the course of study, the Head of School will consult with the University Secretary as to how to proceed.
- 7.5 The University Secretary will determine what action shall be taken including:
 - 7.5.1 Referring the matter to be considered as misconduct under the Student Conduct Regulations;
 - 7.5.2 Referring the matter for action under the relevant Course Specific Regulations (for example, Fitness to Practise); or
 - 7.5.3 whether action should be taken under regulation 7.6.
- 7.6 Where a student has been convicted of an offence and receives a custodial sentence of 24 months or more, the University Secretary may terminate a student's registration.

General Student Regulations

Section 5 – Fees and Bursaries

2019-20

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Part 1 - Fees

1 Fees

- 1.1 In these Fees Regulations, the term 'Fees' refers to any sum payable by a student in respect of tuition, supervision, assessment or conferment.
- 1.2 Fees are set by the Vice-Chancellor.
- 1.3 Fees are subject to annual revision. Changes to Fees in respect of Continuing Students will be limited to the greater of the annual change in the Retail Price Index or 5% per annum.
- 1.4 Where a student changes their mode of attendance (from part time to full time or vice versa) they will not be considered a Continuing Student and the fee for a new student in the year the student's mode of attendance is changed will apply.

2 Incurring fees

- 2.1 Fees are incurred on enrolment for the whole of each year of academic study or for each module taken.
- 2.2 Fees are incurred immediately on enrolment – there is no 'fee free' period. This does not affect any statutory right the student has to cancel their enrolment within 14 days, unless that right has been waived.

3 Payment

- 3.1 It is the student's responsibility to pay their Fees. In the event that any personal sponsor, sponsoring company or authority or the Student Loans Company (SLC) fails to pay the Fees the student remains liable to pay the Fees;
- 3.2 Pursuant to section 2 regulation 2.3.4 of the General Student Regulations, all students must pay their Fees in full or make arrangements for payment that are acceptable to the University before enrolment for each academic year;
- 3.3 The following arrangements are usually acceptable to the University:
 - 3.3.1 Funding by tuition fee loan from SLC, provided the University receives confirmation of funding from the SLC at or before enrolment. If this confirmation is not provided at enrolment, then the student must provide the University with proof of application to the SLC at enrolment. The student remains responsible for fee payment in the event that the SLC does not agree to pay the fee;
 - 3.3.2 Agreement from a sponsor (for example a student's employer) that the sponsor will assume responsibility for payment of the student's fees. The student must provide the University with a purchase order from the sponsor showing the total value of fees that the sponsor will pay. This purchase order must be provided at or before enrolment. Payment terms require payment

within 30 days of the invoice to the sponsor. The student remains responsible for fee payment in the event of default by their sponsor;

- 3.3.3 Two equal instalments: 50% on enrolment and 50% by 31 December (31 May for Spring Term starters);
 - 3.3.4 Four instalments: 50% on enrolment, then three equal payments on the last working day of the month commencing in October (March for Spring Term starters); or
 - 3.3.5 7 equal monthly instalments on the last working day of the month commencing in October
- 3.4 The University may decline to accept any of the methods set out in regulation 3.3 above (especially (but not exclusively) where the student has previously defaulted on a payment arrangement or the fees are below a minimum amount), in which case the fees shall be payable in full before enrolment.
- 3.5 It is the student's responsibility to make any arrangements with any person providing them with a loan to fund their Fees (including Student Finance England or other body). The University will cooperate with any reasonable request that the student makes for information to be provided to any person providing them with a loan to fund their Fees, but the University does not accept any responsibility for any delay or failure of person providing the student with a loan to make payments.

4 Refunds

- 4.1 This regulation 4 does not apply should a student exercise their statutory right to cancel their enrolment within 14 days, in which case no fees or charges will apply and any monies paid will be refunded. The right to cancel may be waived in accordance with the applicable legislation.
- 4.2 Deposits paid by a student are not refundable or transferable.
- 4.3 In exceptional circumstances, the Chief Financial Officer, Director of Student Journey or University Secretary may agree a refund or partial refund of fees or deposits paid on intermission, withdrawal or other termination of a student's studies.
- 4.4 Any such refund will be subject to a minimum charge retained by the University of 25% of the annual fees due. A reasonable administration fee (such as bank transfer fees or staff costs) may also be retained in the event of a refund.
- 4.5 Any such refund is subject to the student:
 - 4.5.1 Providing evidence that they have complied with any relevant immigration regulations; and
 - 4.5.2 Returned all items belonging to the University to the University.
- 4.6 In respect of undergraduate and taught postgraduate students who enrolled in the Autumn Term where they intermit, withdraw or their studies are terminated:
 - 4.6.1 before the start of the Spring Term, then 75% of the Fees shall be refunded;
 - 4.6.2 before the start of the Summer Term, then 50% of the Fees shall be refunded;

- 4.6.3 on or after the start of the Summer Term, then no refund shall be given.
- 4.7 In respect of undergraduate and taught postgraduate students who enrolled in the Spring Term where they intermit, withdraw or their studies are terminated:
- 4.7.1 before the start of the Summer Term, then 75% of the Fees shall be refunded;
- 4.7.2 on or before the end of the Summer Term, then 50% of the Fees shall be refunded;
- 4.7.3 after the end of the Summer Term, then no refund shall be given.
- 4.8 In respect of postgraduate research students then any refund calculated pro rata based on a 12 month year from the scheduled start of the relevant academic year (that is 100% of the fees will be retained and no refund given 12 months after the scheduled start of the relevant academic year), subject to retention of minimum charges and fees set out in regulation 4.4.
- 4.9 In respect of students on distance learning or short courses, subject to regulation 4.1, no refunds shall be given.
- 4.10 Refunds will only be made to the bank account or credit card from which they were paid to the University.
- 4.11 Any library or other borrowing charges due to the University will be deducted from the amount of any refund.
- 4.12 Repayment of any scholarship, grant, fee discount or fee reduction that is repayable (whether wholly or in part) on withdrawal or other termination of a student's studies shall be deducted from the amount of any refund.

5 Failure to Pay

- 5.1 If a student does not pay their fees or defaults on an arrangement for payment of the Fees that they have made with the University, the University may:
- 5.1.1 exclude the student from their course of study (exclusion means that the student will not be allowed to access the University's buildings or IT systems, they will not receive the marks awarded for any assessments and will not receive any award). The University will permit access to allow the student pay their fees. The student may request permission to attend to sit exams or submit coursework by post, but this will usually only be given for students who are enrolled for the current academic year. Even if permission to sit exams or submit coursework is given, no marks will be given while the exclusion remains in place;
- 5.1.2 terminate the student's registration as a student;
- 5.1.3 may take legal action for the recovery of outstanding fees, legal costs (including court fees and solicitors and advocates fees), administration fees and interest from the date the Fees were incurred (pursuant to section 69 of the County Court Act 1984 or similar provisions in UK or foreign legislation) whether or not the student is currently registered as a student of the

University. The University may also take such action in the student's home jurisdiction (if applicable);

- 5.1.4 cancel marks gained whilst the student is excluded for tuition fee debt;
 - 5.1.5 refuse to confer an award or may not confirm the conferment of an award by issuing a certificate (for the avoidance of doubt issuing a certificate is not proof that no fees remain payable);
 - 5.1.6 withhold or withdraw any invitation to or participation in in a graduation ceremony;
 - 5.1.7 not permit the student to re-enrol or to enrol on a new programmes of study until the debt is paid is full. (for the avoidance of doubt permitting re-enrolment or enrolment on another course is not proof that no fees remain payable).
- 5.2 Notwithstanding any action taken under regulation 5.1, any outstanding fees remain due for payment.

Part 2 – Bursaries

6 Grant of a Bursary

- 6.1 Whenever the University agrees to grant a bursary to a Student this Part 2 shall apply unless otherwise expressly excluded in whole or in part.
- 6.2 The Student's eligibility to be granted a bursary is determined on the basis of information supplied by the Student to the Student Loans Company (other than in the case of Part Time or Scottish domicile students). The grant of a bursary shall not be prejudiced in the event that the Student's circumstances change during the Academic Year even if those circumstances would have rendered the Student ineligible for the student finance had they prevailed at the date of application.
- 6.3 Information in relation to eligibility must be received by:
 - 6.3.1 31 March for those originally commencing study in the Autumn term
 - 6.3.2 29 July for those originally commencing study in the Spring term
- 6.4 Subject to the conditions set out below, a Student who has been granted a bursary in one academic year shall not automatically be granted a bursary in subsequent academic years of the Student's registration as an undergraduate at the University. A student's eligibility for a bursary is assessed in each year and the terms applicable to a bursary may change from year to year.

7 Payment

- 7.1 Payment of a bursary shall normally be made:
 - 7.1.1 in the October and February of the Academic Year for those originally commencing study in the Autumn term

- 7.1.2 in February and April for those originally commencing study in the Spring term.
- 7.1.3 in April an additional payment will be made for those originally commencing study in the Autumn term and in receipt of the Care Leaver Bursary
- 7.1.4 in June an additional payment will be made for those originally commencing study in the Spring term and in receipt of the Care Leaver Bursary
- 7.2 Those students whose study originally commenced in the Spring term will maintain this payment schedule throughout subsequent academic years in line with their Tuition payments.
- 7.3 Payment of bursary is administered by the SLC and the University shall not be liable to the Student whatsoever for any delay or error in relation to the payment of the Award or the non-payment of the same.
- 7.4 The University reserves the right to withhold payment of all or part of a bursary in the event the Student has failed to pay the tuition fees for the Academic Year (or failed to make arrangements for such payment acceptable to the University).

8 Termination of the Bursary

- 8.1 In any of the circumstances set out in this clause below a bursary shall be withdrawn and the University shall make no (or no further) payments of the bursary:
 - 8.1.1 the Student permanently leaves the University due to illness (whether or not following a leave of absence)
 - 8.1.2 the Student leaves the University voluntarily for reasons other than illness
 - 8.1.3 the Student is required to withdraw from the University pursuant to disciplinary or fitness to practise proceedings.
 - 8.1.4 the Student otherwise fails to complete satisfactorily the requirements of the programme of study.
 - 8.1.5 the Student fails to meet satisfactorily the requirements of attendance which is set at 75% for the applicable academic year.
- 8.2 The University reserves the right to demand the repayment of any instalment or instalments (or part thereof) of a bursary made to the Student during the Academic Year in the circumstances set out in regulations 8.1.2 and 8.1.3

9 Leave of Absence

- 9.1 In the event that the Student takes, or is required to take, Leave of Absence during the Academic Year any payments otherwise due to the Student pursuant to clause 4.1 above shall be suspended until such time as the Student has re-registered.
- 9.2 Upon re-enrolling the Student will be paid the balance of any instalments due from the Academic Year when the Leave of Absence was taken if still within the applicable academic year.

- 9.3 If the Student fails to return to the University after such Leave of Absence then the provisions of regulation 5 above will apply.

10 Miscellaneous

- 10.1 The grant of a bursary will remain valid notwithstanding the Student transferring to another course or programme of study at the University provided that any instalments already made will count towards the grant.
- 10.2 A Student in receipt of a bursary who is required to repeat the Academic Year will not be eligible to receive a further grant in respect of the repeated year at the same or lower level of study.
- 10.3 The eligibility of the Student for a Bursary shall (unless otherwise agreed in writing) only continue for the full duration of the academic year when eligibility will be established again.
- 10.4 Any dispute or complaint arising in connection with the Scheme should in the first instance be addressed in writing to the Head of Academic Services.

General Student Regulations

Section 6 - Use of Premises and Resources

2019-20

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1 Use of Premises

- 1.1 No person shall enter or remain in or upon any part of the University Premises in or upon which they know or ought reasonably to know that they are not at that time entitled to be.
- 1.2 The Head of Campus Services may publish additional rules and/or policies relating to the use of the University Premises (referred to in these regulations as the “Premises Rules”).
- 1.3 The Premises Rules may include (but are not limited to) provisions relating to:
 - 1.3.1 Opening hours of buildings;
 - 1.3.2 processes, protocols and conditions for certain types of use (for example, but without limitation: booking meeting rooms; internally or externally organised events (including any charges); non-University activities on the Premises (e.g. charity collections or commercial activities); display of notices, posters, or marketing material; hot works or other work on the fabric of the buildings &c)
 - 1.3.3 items that are not permitted on the Premises;
 - 1.3.4 children on University Premises; and
 - 1.3.5 the bringing of animals or vehicles (including bicycles) on to University Premises.
- 1.4 The Head of Campus Services shall take reasonable steps to ensure that the Premises Rules, as amended from time to time, are brought to the notice of all students and other persons on the Premises.
- 1.5 All persons on the Premises must comply with this regulation 1, the Premises Rules and any reasonable direction (whether given generally or specifically) given by the Head of Campus Services or their nominees regarding the use of the University Premises.

2 Use of Library

- 2.1 Only the following may use the University’s libraries and their resources (including online resources)(“the Libraries”):
 - 2.1.1 enrolled students (this does not include students who have taken a break in studies or who are excluded from the University);
 - 2.1.2 members of University staff;
 - 2.1.3 such other categories of individuals whom the University Librarian may from time to time approve;
 - 2.1.4 External users and those undertaking reciprocal schemes.
- 2.2 Any permission or approval given pursuant to regulation 2.1 may be revoked or withdrawn at any time subject to any periods or notice or other requirements set out in the Library Code.

- 2.3 Additional policies, rules and provisions relating to the use of the Libraries shall be published from time to time by the University Librarian (referred to in these regulations as the “Library Code”).
- 2.4 The Library Code may include (but are not limited to) provisions relating to:
 - 2.4.1 The services and resources available to various categories of person;
 - 2.4.2 Charges for use of the Libraries (including charges for late return or non-return of items); and
 - 2.4.3 Conduct when using the Libraries.
- 2.5 The University Librarian shall take reasonable steps to ensure that the Library Code, as amended from time to time, is brought to the notice of all users of the Libraries.
- 2.6 All persons using the Libraries must comply with these regulations, the Library Code and any reasonable direction (whether given generally or specifically) given by the University Librarian or their nominees regarding the use of the Libraries.

3 Use of Information Systems and Services

- 3.1 The University’s computer facilities and access to its computer networks (“ITS Facilities”) are provided only for purposes directly connected with the work of the University and with the normal academic activities of its students and staff. No person has any right to use the ITS Facilities for any other purpose. However, the Director of Information and Technology Services may publish a policy permitting reasonable personal use, subject to any conditions they consider appropriate.
- 3.2 The Director of Information Technology Services may publish additional rules and/or policies relating to the use of ITS Facilities (referred to in these regulations as the “ITS Rules”).
- 3.3 The ITS Rules may include (but are not limited to) provisions relating to:
 - 3.3.1 General conditions of use and expected behaviour when using ITS Facilities;
 - 3.3.2 processes, protocols and conditions for certain types of use of ITS Facilities; and
 - 3.3.3 monitoring the use of ITS Facilities.
- 3.4 The Director of Information Technology Services shall take reasonable steps to ensure that the ITS Rules, as amended from time to time, are brought to the notice of all users of ITS Facilities.
- 3.5 All persons using ITS Facilities must comply with these regulations, the ITS Rules and any reasonable direction (whether given generally or specifically) given by the Director of Information Technology Services or their nominees regarding the use of ITS Facilities.

4 Infringement

- 4.1 Any infringement or attempted infringement of these regulations or any rules or policies adopted pursuant to or published in accordance with these regulations shall be considered misconduct under the relevant disciplinary procedures of the University (for example, the Student Discipline regulations), unless otherwise dealt with by any such rules or policies.
- 4.2 Access to particular facilities may be withdrawn by the relevant Head or Director of Service with the consent of the University Secretary pending disciplinary action, or may be made subject to such conditions as the relevant Head or Director of Service, with the consent of the University Secretary, considers appropriate to impose in the circumstances.

General Student Regulations

Section 7 – Mitigating Circumstances

2019-20

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1 Introduction

- 1.1 These regulations set down the process by which a student should bring to the University's attention any unforeseen circumstances that prevented them submitting an item of assessed work by the published deadline or prevented them attending an examination, class-test, presentation etc.
- 1.2 The Director of Student Journey (or nominee) has overall responsibility for the Procedures for the submission of Mitigating Circumstances.
- 1.3 No student making a claim under these Procedures, whether successfully or otherwise, shall be treated less favourably than would have been the case had the claim not been made.

2 Fit to Sit and Fit to Submit

- 2.1 Notwithstanding any other provision of these regulations, by submitting work or sitting an examination, class-test, presentation etc. a student is taken to be confirming that they are fit to submit/sit the assessment concerned and any mitigating circumstances claim in respect of the assessment will be deemed invalid unless:
 - 2.1.1 there is clear evidence that the student was not in a fit state to decide whether they were fit to submit/sit the assessment concerned:
 - 2.1.2 there is clear evidence that the student became ill during an exam, class-test, presentation etc. and was not in a fit state to continue with the assessment.

3 Mitigating Circumstances Criteria

- 3.1 Mitigating circumstances are defined by the University as circumstances that are acute, severe, unforeseen and outside a student's control that occur immediately before or during the assessment period in question.
- 3.2 The deadline for submission of a claim for Mitigating Circumstance is two weeks from the published submission date of the component concerned or the date of the examination. Students are however encouraged to submit a claim as soon as practicable. All claims must be submitted to a Student Hub (formerly the Undergraduate or Postgraduate Office).
- 3.3 A claim for Mitigating Circumstances may be submitted in relation to:
 - 3.3.1 non-attendance at an examination;
 - 3.3.2 non-submission of coursework;

4 Validity and Invalidity

- 4.1 Normally, a student may have a mitigating circumstances claim accepted on one occasion only for a particular item of assessed work. The Director of Student Journey can exceptionally grant one further occasion upon which a mitigating circumstances claim can be accepted.

- 4.2 Any claim supported by false documentary evidence shall be deemed invalid and will lead the University to take action under its disciplinary procedures.
- 4.3 A claim for Mitigating Circumstances must be submitted on the prescribed Mitigating Circumstances Form and must:
 - 4.3.1 Specify the full name of the student;
 - 4.3.2 Specify the correct student ID number;
 - 4.3.3 Specify the title(s) and code(s) of the module(s) affected;
 - 4.3.4 Specify the component(s) affected;
 - 4.3.5 Specify the relevant assessment date(s);
 - 4.3.6 Provide full details of the circumstances, and explain how these circumstances have affected the student;
 - 4.3.7 Be signed and dated by the student, unless it is impossible for the student to sign;
 - 4.3.8 Be received by a Student Hub no later than two weeks from the published submission date of the component concerned or the date of the examination.
 - 4.3.9 Be supported by appropriate, independent documentary evidence:
- 4.4 Claims in relation to non-attendance at an examination normally require evidence to demonstrate mitigating circumstances for the period immediately leading up to the examination and/or the date of the examination in question;
- 4.5 Claims in relation to non-submission of coursework normally require evidence to demonstrate mitigating circumstances for the period immediately leading up to the assessment and/or the published coursework deadline.
- 4.6 Claims submitted without independent supporting evidence will not be considered.

5 Late Submission of Mitigating Circumstances

- 5.1 Claims received after the deadline specified in regulation 3.3.8 will be deemed invalid and will not be considered unless the student has demonstrated good reason, supported by appropriate independent evidence, for any period of delay.

6 Examples as to why a Mitigating Circumstances claim will be rejected

- 6.1 The Head of Academic Services (or their nominee) shall reject claims that do not meet the requirements of regulations 4 and 5.
- 6.2 Without prejudice to the generality of the requirements in regulations 4 and 5, a Mitigating Circumstances claim will be rejected for any of the following reasons:
 - 6.2.1 The claim is not supported by appropriate, independent documentary evidence (The original documents must be submitted. They must be signed by an appropriate third party and give details of the circumstance, the date and duration of the period affected and, where possible, its impact on the

student. Evidence from medical practitioners must specify the nature of the illness and where possible a confirmed diagnosis by the practitioner who saw the student at the onset of illness. The date of such medical evidence is critical to the consideration and post-dated certificates and evidence is not accepted). For non-UK death certificates, the University may require a notarised and legalised copy of the certificate or similar corroboration of its authenticity.

- 6.2.2 The claim does not relate, in terms of timing, to the examinations or submission dates affected.
 - 6.2.3 There are reasonable grounds to believe that the circumstances could have been avoided by the student, or the student could reasonably have been expected to take steps to limit the impact of the circumstances (Examples include: leaving coursework to the last minute; missing the deadline because of computer problems or late transport; failure to make alternative travel plans when disruptions were known in advance; losing work which had not been backed up on disc).
 - 6.2.4 The claim results from misreading or ignorance of the University's examination timetable, or of instructions regarding the submission of coursework.
 - 6.2.5 There are reasonable grounds to believe that the circumstances described would not have prevented the student from taking the examination(s) and/or submitting the assignment(s) by the published assignment deadline date(s).
- 6.3 Please note that the examples listed are not exhaustive, but refer to the most common reasons for invalidation or rejection of a claim. Students are advised to refer to the Mitigating Circumstances FAQ and Student Guidance notes on the University's website at: www.londonmet.ac.uk/mitigation for further details and information.

7 Consideration of a Mitigating Circumstances Claim

- 7.1 Claims that have not been rejected under regulation 6 shall be considered by a Mitigating Circumstances Panel. Members of the panel shall be appointed by the Director of Student Journey.
- 7.2 Each valid claim shall be assessed against the Mitigating Circumstances Criteria in regulation 3. If a claim relates to more than one item of assessment, the circumstances relating to each item of assessment shall be considered individually against the criteria in regulation 3.

8 Outcomes of consideration

- 8.1 Claims which demonstrate that the criteria in regulation 3 have been met shall be accepted. The student will be given the opportunity to be assessed at the next assessment point in the component(s) in question. This attempt shall replace the opportunity to which the mitigating circumstances pertained.

- 8.2 Claims which do not demonstrate that the criteria in regulation 3 has/have been met shall be rejected. Claims in respect of non-attendance at an examination/non-submission of coursework– a mark of zero will be awarded in the component concerned. If the claim relates to a first assessment, a student shall have the opportunity to undertake reassessment in the component concerned.
- 8.3 All Mitigating Circumstances outcomes shall be communicated by Student Journey to the relevant Subject Standards Board.
- 8.4 Mitigating Circumstance outcomes shall be published via Evision as soon as practicable following the decision of the Mitigating Circumstances Panel and prior to publication of the relevant module results. Students will be notified by email when the outcome is available; this will normally be within one month of the University receiving the claim, however, where this proves not to be possible, the student will be notified of the progress of the consideration of the claim.

9 Review of rejected claims

- 9.1 Where a claim is rejected whether by the Head of Academic Services (or their nominee) or Mitigating Circumstances Panel, a student can request a review of the process undertaken in reaching the decision. The deadline for submitting a request for a review is two weeks from the notification of the mitigating circumstances outcome, published via Evision. Requests for a review submitted after this deadline will be deemed invalid unless the student demonstrates good reason, supported by appropriate independent evidence, for the delay. The student should set out her/his concerns clearly and succinctly and where possible provide evidence to substantiate the issues raised. The review will not entail a reconsideration of the claim, but will confirm that the appropriate procedures were followed and that the decision to reject the claim was reasonable. The review stage will not usually consider issues afresh or involve a further investigation. The request may include, but is not limited to:
- 9.1.1 A review of the procedures already followed;
 - 9.1.2 A consideration of whether the outcome of the claim was reasonable in all circumstances;
 - 9.1.3 Consideration of new relevant evidence, which the student was unable, for valid reasons, to provide earlier in the process.
- 9.2 The review will be undertaken by the Student Casework Office and the student will normally be notified of the outcome within 13 weeks of the University receiving the mitigating circumstances claim; where this proves not to be possible, the student will be notified of the progress of the review to date.
- 9.3 If the review is successful, the original decision of the Mitigating Circumstances Panel will be set aside leading to a new outcome being determined; if the claim remains rejected, the student will be notified of the reason(s) for this decision and the student will be issued with a Completion of Procedures email/letter. See 10 below.

10 Completion of Procedure and External review

- 10.1 The Student Casework Office shall issue a Completion of Procedures letter where:
 - 10.1.1 The request for a review has been upheld, but the complainant requests a letter; and
 - 10.1.2 Where the complaint has not been upheld and the complaint's request for review has been rejected.
- 10.2 A complainant who remains dissatisfied may seek review from the Office of Independent Adjudicator established for this purpose, subject to the terms of its scheme. The Office of Independent Adjudicator scheme does not cover complaints relating to:
 - 10.2.1 admission to the University;
 - 10.2.2 matters of academic judgment;
 - 10.2.3 student employment matters;
 - 10.2.4 matters that are the subject of court proceedings which have been concluded or which are "live" unless they have been stayed; or
 - 10.2.5 matters previously considered by another ADR Entity.

General Student Regulations

Section 8A – Appeals Procedure

2019-20

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Introduction

1. These Procedures are intended to provide a clear process where by a student can appeal against:
 - 1.1. A decision of an Assessment Board charged with decisions on student progression, assessment (including assessment related adjustments) awards; and/or
 - 1.2. A decision to terminate their registration as a student (e.g. discontinuation of studies).
2. It is the responsibility of a student to draw to the attention of the University any factors which they consider may have adversely affected a decision of an Assessment Board or a decision to terminate their registration.
3. A student considering submitting an appeal may seek advice from the [Students' Union](#). For general information and assistance students may contact their [Student Hub](#). The Student Casework Office can give procedural advice, but cannot advise on the substance of the appeal.

Grounds of Appeal

4. A student may submit a procedural defect appeal against the decision of an Assessment Board on the grounds that:
 - 4.1. the University did not act in accordance with the relevant [Academic Regulations](#) and/or Procedures in the provision and execution of the assessment process and that the failure to do so made the decision unfair¹;
 - 4.2. their academic performance was impaired in assessment(s) taken prior to being issued a University Internal Needs Assessment Report (INAR) approving assessment related adjustments. Such appeals will normally only be considered for assessments undertaken in the same academic year in which the INAR was issued.
5. A student may submit an appeal against the decision to terminate their registration on the grounds that:
 - 5.1. The University did not act in accordance with the relevant [Academic/General Student Regulations](#) and/or Procedures in

¹ For appeals alleging bias or the perception of bias, a student will need to clearly state the basis of the appeal and provide evidence to support the claim that the marking of her/his work, exam etc. has been carried out in a biased way or in a way that could reasonably be perceived as biased. Disagreeing with a mark is not, without further justification, evidence that the marking process was biased.

terminating the student's registration and failure to do so made the decision unfair;

- 5.2. they had been affected by circumstances which had a significant impact, but which, for good reason, they had previously been unable to disclose via the appropriate University procedures.

Matters excluded from this procedure

Under this Procedure the University will not consider:

6. An appeal in respect of an academic or professional judgment; that is, a decision made by an academic staff/examiner on the quality of an assessment or the criteria being applied to mark the work, when arrived at through due process;
7. An appeal that relates to a disagreement with a decision made by a Mitigating Circumstances Panel member under Section 7 – Mitigating Circumstances of the General Student Regulations. In such cases, a student will be informed of their option to request a review of the mitigating circumstances outcome under Section 7;
8. An appeal in respect of termination of a student's registration under Section 9B – Student Conduct of the General Student Regulations. In such cases, a student will be informed of their option to appeal under Section 9B;
9. An appeal in respect of termination of a student's registration under Section 10 – Fitness to Study of the General Student Regulations. In such cases, a student will be informed of their option to appeal under Section 10;
10. A complaint about the University, its courses, services, or individuals concerned in their delivery. In such cases, a student will be informed of their option to submit a complaint under Section 8B – Complaints of the General Student Regulations. Where the Student Casework Office considers that a student's appeal in part or whole would be more appropriately considered under the Complaints Procedure, the student will be informed of this. The student will be invited to submit a [Formal Complaint Form](#) to clarify the nature of their complaint, should they wish to do so. The appeal, in part or whole, will be reclassified as a complaint and forwarded on to the relevant [complaint handler](#).
11. Students from collaborative/partner institutions who have exhausted the appeals procedures of their institution have a right to request a review of the process of the appeal outcome reached by the institution. Students from collaborative/partner institutions should follow the review stage process.

The Procedure

Appeal Stage

12. For an appeal to be valid it must be received within ten working days of the date of publication of the result(s) of the assessment(s) concerned or the date of notification of the termination of registration. Appeals received after this deadline will be deemed invalid unless the student has demonstrated good reason for any period of delay.
13. An appeal must be submitted in writing on the prescribed [Appeal Form](#) completing all relevant sections including; full name, student number; signature of the student and date.
14. In respect of a procedural defect appeal, the Regulations and/or Procedures concerned must be identified and an explanation given to the way in which the University's actions differed significantly from those set out under those Regulations and/or Procedures;
15. In respect of a termination of registration appeal, the grounds for termination must be identified, asserting the existence of mitigating circumstances. The student must explain and demonstrate how the circumstances significantly affected them and the reasons they were unable to previously disclose these circumstances via the appropriate University Procedures;
16. The student must include all relevant, independent, supporting evidence, as appropriate to support their appeal.
17. For appeals against decisions of Assessment Boards the appeal must list the title, code and affected component(s) of the module(s) concerned and specify the assessment period and academic year in respect of which the appeal is being made.
18. Appeals should be submitted in person at a Student Hub; by email directly to casework@londonmet.ac.uk or if submitted by post, it must be addressed and sent directly to the Student Casework Office. The University does not accept responsibility for the receipt or late delivery of appeals submitted by post or email.

Consideration of Appeal

19. The Student Casework Office shall check each appeal against the criteria in [Regulation 4 and 5](#) in addition to the requirements listed in the [appeal stage](#) above. An appeal that does not meet these criteria and requirements shall be deemed invalid.

20. Where the appeal is considered frivolous or vexatious or where the appellant engages in unacceptable behaviour, the appeal may be dismissed or conditions imposed on how the student can conduct the appeal. Examples can include appeals which are harassing, designed to cause disruption or annoyance, demand for redress lacking any serious purpose or value and /or have unrealistic expectations and/or unreasonable outcomes.

21. An appeal shall usually be considered within 5 weeks of the receipt of a duly completed relevant form. There may be circumstances where, for good reason, the University needs to extend this timeframe; if this occurs the University will advise the student of this. Circumstances that may delay completion of the procedures (appeal and review) include but are not limited to:

21.1 Incomplete forms;

21.2. Lack of clarity regarding the grounds relied upon;

21.3. Consideration being put on hold to allow for matters being considered as part of another procedure, for instance a student complaint. Any period during which the appeal is put on hold to allow for consideration of another procedure shall not be included in the five week period referred to in Regulation 21 above.

21.4. Delays in requesting a review.

22. The Student Casework Office shall consider each valid application on the basis of the student's written statement and supporting evidence. Information from staff members, other students or outside agencies may also be sought, as appropriate, by the Student Casework Office when considering an appeal.

23. The Student Casework Office shall determine whether the ground(s) listed in [Regulation 4 and 5](#) have been clearly demonstrated and whether it is reasonable to uphold or reject the appeal.

The list below (which is not exhaustive) sets out common reasons why appeals are unsuccessful:

23.1. the appeal was received outside the deadline without good reason and evidence for the delay (In cases where a delay is unavoidable, the appeal must be submitted as soon as possible after the deadline and must include an explanation and independent supporting evidence covering the entire period affected).

23.2. the student disagrees with the academic judgement of an Assessment Board in assessing the merits of an item of academic work or the classification of a final award, where the Board's decision was reached

in accordance with the regulations. (In such circumstances the student should request feedback from the relevant tutor /module tutor.)

- 23.3. the student's academic performance was affected by poor teaching, supervision or guidance. In such circumstances the student should submit a complaint in accordance with the Student [Complaints Procedure](#).
- 23.4. the student was ignorant of the published assessment regulations and procedures, including deadlines for the submission of assessments and appeals against decisions of Assessment Boards.
- 23.5. the appeal does not relate to decision of an Assessment Board or a decision to terminate a student's registration.

Appeal Outcome

24. Where an appeal in respect of the decision of an Assessment Board is upheld, the Student Casework Office shall notify the Assessment Board and the student shall be provided with a further assessment or reassessment opportunity granted.
25. Where the appeal has been upheld on grounds set out in Regulation 4.2 the further assessment/reassessment opportunity provided in Regulation 24 shall take due regard of their INAR and the highest mark achieved for that component of assessment shall be credited to the student's record. In all other cases, the further assessment/reassessment opportunity provided in regulation 24 shall stand in place of the affected attempt.
26. Where an appeal in respect of a research degree is upheld, the Student Casework Office will seek advice from the Chair of the Research Degrees Sub-Committee as to an appropriate outcome. This may include, but is not limited to:
 - 26.1. the examiners being invited to reconsider their decision; or
 - 26.2. the appointment of new examiners
 - 26.3. a successful appeal cannot set aside a decision of the University Awards Board and recommend the award of a degree.
27. Where an appeal in respect of the decision to terminate a student's registration is upheld, the Student Casework Office shall:
 - 27.1. revoke the termination of the student's registration and may give the student the opportunity to be assessed in respect of affected components; or,
 - 27.2. request further information and/or evidence; or
 - 27.3. set conditions that the student must meet before the termination is revoked; or

- 27.4. refer the decision back for consideration.
28. Where an appeal is not upheld, the decision being appealed shall stand.
29. The Student Casework Office notify students of the outcome of their appeal by email; this will normally be within 5 weeks of the University receiving the appeal. However, where this proves not to be possible, the student will be notified of the progress of the consideration of the appeal.
30. Appeals that do not proceed to the Review Stage within 2 weeks of the appeal decision(s) being sent will be considered as closed. A Completion of Procedures letter can be provided upon request, although students should be aware that the University's internal processes are not complete at this stage.

Review Stage

31. The student may ask the Pro Vice-Chancellor to review the decision(s) of the on the grounds that:
- 31.1. there was a serious procedural error (whether of this procedure prescribed by these regulations or of the requirements of natural justice) or other irregularity in the decision(s) reached that makes the decision unfair;
- 31.2. the outcome did not take into consideration all the circumstances in which the student could appeal against.
- 31.3. the student has new evidence that they could not reasonably have provided when submitting an appeal which would probably have an important influence on the appeal outcome. In such instances students are expected to provide an explanation as to why the evidence is being submitted at this late stage of the procedure. Other than this the Pro Vice-Chancellor shall not consider any evidence that was not provided when the appeal was submitted and a decision was reached.

Submitting an Review

32. A request for a review must be submitted to the Student Casework Office in writing within 2 weeks of the appeal decision(s) being sent and must be on the prescribed [Appeal Review Form](#). All relevant sections must be completed including; full name, student number; signature of the student and date.
33. The student must state the grounds on which the decision(s) should be reviewed.

Consideration of Review

34. The Student Casework Office shall determine whether the ground(s) listed in Regulation 30 above have been clearly demonstrated and whether it is reasonable to consider the review.
35. Where the review is considered frivolous or vexatious or where the student engages in unacceptable behaviour, the review may be dismissed or conditions imposed on how the student can conduct the review.
36. Where there are acceptable grounds. A review shall usually be considered within 5 weeks of the receipt of a duly completed appeal review form. However, where this proves not to be possible, the student will be notified of the progress of the consideration of the review.

Review Outcome

37. The Student Casework Office shall review the appeal decision and may:
 - 37.1. uphold or partially uphold the student's appeal and agree to implement the outcome that they are seeking; or
 - 37.2. uphold or partially uphold the student's appeal and implement an alternative outcome(s). The Student Casework Office may consult with the Chair of the Assessment Board where it is considered appropriate. This would normally be solely for the purpose of ensuring consistency of fairness and treatment with other student outcomes; or
 - 37.3. reject and not uphold the student appeal. Students will be issued with a Completion of Procedures (COP) letter.
38. Students can request a COP letter where a review outcome decision is upheld. A COP letter will not automatically be issued to students following on from an upheld outcome.
39. At this point, students who remain dissatisfied with the outcome have the right to submit a complaint to the Office of the Independent Adjudicator (OIA) for Higher Education. Students should refer to the [OIA Website](#) to establish whether their complaint is something that the OIA would consider. A complaint must be submitted to the OIA within 12 months of the University's final decision.

General Student Regulations

Section 8B – Student Complaints Procedure

2019-20

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Part 1 – How to raise a complaint

Introduction

1. The University has a large community of students engaged in activities of an academic and non-academic nature and there may be instances where students are dissatisfied with some aspect of the activities they engage with. If this happens, it is important that matters of dissatisfaction are raised as quickly as possible.
2. Students can raise concerns, or express levels of dissatisfaction without risk of disadvantage or recrimination. The [Students' Union](#) can assist with complaints, associated questions and provide procedural advice at each stage of the Complaints Procedure.
3. The Student Complaints Procedure sets out how the University will deal with complaints that a student may wish to pursue. The procedure informs students of the University's definition of a complaint, who can make a complaint and the complaints process.
4. The University will process all information in accordance with its [Student Privacy Notice](#) and the principles of the General Data Protection Regulation (GDPR). Complaints will be handled with an appropriate level of confidentiality, with information released only to those who need it for the purposes of investigating or responding to the complaint. No third party should be told any more about the investigation than is necessary in order to obtain the information required from them.
5. If a complaint is against a member of staff, the student bringing the complaint will be informed if the complaint is upheld or not upheld. It is not appropriate to share specific details affecting the members of staff if the complaint is upheld, particularly if disciplinary action may be taken. It is important that students are aware of this from the onset to manage their expectations.
6. The University aims to make this Procedure clear and accessible, as well as to encourage the early resolution of complaints in a way that is fair, reasonable and proportionate. Each case is considered on its own merit and in accordance with the evidence and circumstances presented. This Procedure should be read in conjunction with the General Provision set out in Part 2 of this document.

Definition of a complaint

7. The University defines a complaint as an expression of dissatisfaction by one or more students about the action or omission of the University's teaching-related or service-related provision.

Who can complain using these regulations?

An individual studying at the University

8. Students currently enrolled at or being assessed by the University for which they receive teaching and/or supervision.
 - 8.1. Students are encouraged and expected to raise any problems or issues as soon as the action or omission occurs and no later than 3 months of the problem or issue occurring.
 - 8.2. Any delay in submitting a formal complaint will need to be fully explained. Formal complaints submitted after 3 months will not normally be considered and deemed invalid unless there is good reason accompanied by supporting evidence for the delay.
 - 8.3. Students will be provided with a Completion of Procedures letter, if the complaint is rejected because it has been submitted late.

A group of individuals studying at the University

9. Students currently enrolled or being assessed by the University may complain individually or as part of a group. Complaints will be responded to individually and contact details for each complainant should be included on the formal complaint form. In these circumstances, the group are advised to appoint a group representative (but no more than two) to facilitate communications for the purposes of the formal procedure.
 - 9.1. Students are permitted to provide individual statements should they share the concerns of the group and in addition, want to raise individual concerns in relation to the complaint being raised.
 - 9.2. Students are encouraged and expected to raise any problems or issues as soon as the action or omission occurs and no later than 3 months of the problem or issue occurring.
 - 9.3. Any delay in submitting a complaint will need to be fully explained. Formal complaints submitted after 3 months will not normally be considered and deemed invalid unless there is good reason accompanied by supporting evidence for the delay.
 - 9.4. Students will be provided with a Completion of Procedures letter, if the complaint is rejected because it has been submitted late.

An applicant, former student or recent graduate of the University

10. An applicant, former student or recent graduate of the University.
 - 10.1. Complaints regarding the admissions process or decision should be submitted directly to the [Head of Academic Services](#). Completed [Formal Complaint Forms](#) and supporting evidence must be received within 3 months of the act or omission of the University. Complaints received after this time will not normally be considered.
 - 10.2. Formal complaints from former students or recent graduates should be submitted directly to the [University Secretary's Office](#). Completed [Formal Complaint Forms](#) and supporting evidence must be received within 3 months of leaving the University. Complaints received after this time will not normally be considered.
 - 10.3. Applicants, former students or recent graduates must provide good reasons for not raising the complaint within 3 months. The University Secretary and Registrar (or nominee) has the sole discretion to consider complaints outside of the time limit. Formal complaints received more than 3 months after the matter being complained of will only be considered in exceptional circumstances.
 - 10.4. A Completion of Procedures letter will be provided, if the complaint is rejected because it has been submitted late.

Procedures

Early Resolution

11. The early resolution stage provides the opportunity for current students to raise concerns before escalating them into a formal complaint. Early resolution is aimed at addressing straightforward concerns swiftly and locally without the requirement of completing and submitting a formal complaint form.
12. Early resolution could include attempting to resolve the matter (face-to face or by way of a written dialogue) with the member of staff most directly involved with the concern. Or attempting to resolve the matter with a person considered as an appropriate member of staff, for example:
 - 12.1. Teaching related –
Module Tutor, Module Leader, Course Leader of the relevant School
 - 12.2. Service related – Manager of the relevant Professional Service
Department

13. If students are unsure of who to speak to regarding a concern, the [Student Hub](#) can be the first point of contact. Students can also seek to resolve the matter informally by identifying the [appropriate service](#) that concern relates to. If students would like to seek advice, they should contact the [Students' Union](#).
14. Early resolution is an optional stage of this procedure and any response to the concerns raised should take no longer than **2 weeks**. Should students be dissatisfied with the response, they should consider making a formal complaint.
15. Students who wish to pursue a formal complaint at this stage, should complete and submit a [Formal Complaint Form](#) and any supporting evidence to the relevant [Complaint Handler](#) for the School or Professional Service Department.

Formal Complaint Stage 1

16. A complaint should be raised as soon as the action or omission occurs and submitted no later than 3 months of the problem or issue occurring.
 - 16.1. Applicants, former or recent graduates should refer to paragraph 10.
17. Students are required to complete and submit a [Formal Complaint Form](#) and supporting evidence to the relevant [Complaint Handler](#) one or more are located within each School and Professional Service Department.
18. Students are required to complete and submit a Complaint Form and supporting evidence to the University Secretary's Office **if the complaint covers more than one School or Professional Service Department**. The Head of Student Casework shall coordinate the investigation of the complaint across the relevant School and/or Professional Service Department or nominate another person to coordinate the investigation.
19. Students are asked to clearly state the issues they complain of and to indicate the remedy they are seeking. As this is an evidence-based process, students are asked to include any evidence they wish to rely on to support the issues raised and to confirm all relevant evidence has been submitted. Examples of the types of evidence that can be provided include but are not limited to the following:
 - Relevant correspondence
 - Relevant course or service documentation
 - Expert reports by professionals or placement reports
 - Witness statements
 - Independent medical advice
 - Social media where relevant
20. On receipt of the formal complaint, the Complaint Handler or the Head of Student Casework (if the complaint covers more than one School or Professional Service Department) will determine whether:

- 20.1. The complaint has been submitted within 3 months of the problem or issue occurring for students studying at the University. Applicants, former or recent graduates should refer to paragraph 10.
 - 20.2. The Complaints Procedure is appropriate, or whether the issue should be dealt with through another University procedure, for example, [Mitigating Circumstances](#), [Appeals](#), [Student Conduct](#) or [Fitness to Study](#).
 - 20.3. The concern (where agreed) could still be resolved through early resolution if suitable steps have been identified and progress can be made towards a resolution.
 - 20.4. The complaint is vexatious or without substance or merit. In such instances the Complaint Handler shall consult with the University Secretary's Office (USO) and either, dismiss the complaint or refer the complaint for investigation.
 - 20.5. If the outcome is to reject the complaint then the complainant may proceed to the Final Complaint Review Stage within **2 weeks** from the date of the decision.
21. After taking into consideration each instance in 20 above, where there are reasonable grounds, the Complaint Handler, the Head of Student Casework (or their nominee) shall investigate the complaint.
 - 21.1. Students will be notified of the individual responsible for the investigation if the complaint is investigated by a nominee.
 - 21.2. The investigation will be conducted by a member of staff who has not previously been involved in the matter to avoid actual or potential conflicts of interest.
 22. The investigation will take into account any evidence provided to support the complaint. There may be instances in which additional information is requested as part of the investigation. The timeframe in which to provide additional information is within **1 week** of the request being made.
 23. The Complaint Handler or their nominee may request a meeting as part of the investigation to discuss the complaint, the evidence provided and any potential resolution. If a meeting is arranged, students shall be given **5 working days'** notice.
 - 23.1. Students can be accompanied by someone such as a friend/advisor from the Students' Union by way of support and not by way of legal representation, such as a Solicitor or Barrister. The accompanying person's capacity at the meeting is one of a silent observer.
 - 23.2. Students that are unable to attend a meeting in person can be offered a suitable alternative such as a telephone call or, where feasible, a video link.

- 23.3. Students can request that the meeting be rescheduled on one occasion (within **5 working days** of the initial meeting date). Rescheduling however may cause a delay in receiving the complaint outcome. The investigator of the complaint has the sole discretion to consider requests made outside of the timeframe.
- 23.4. The Complaint Handler can continue with the investigation and come to a conclusion where a meeting has been scheduled and/or rescheduled within a reasonable period (referred to in point 23 and 23.3.) and students have chosen not to attend.
24. Once the complaint has been completed, the Complaint Handler, or their nominee shall provide a written outcome within **5 weeks** of the formal complaint submission. The outcome shall include the findings, the decision in relation to each issue raised and any remedial actions that will be taken, if any.
25. If the investigation cannot be completed by the expected date, the person investigating the complaint will inform the student and the University Secretary's Office of the delay and give an indication of when the expected outcome is likely to be received.
26. Students who are dissatisfied with the outcome may wish to proceed to the Final Complaint Review stage.
27. Complaints that do not proceed to Final Complaint Review stage after **2 weeks** from the date of the outcome letter will be considered as closed. A Completion of Procedures letter can be provided upon request, although students should be aware that the University's internal processes are not complete at this stage.

Final Complaint Review Stage 2

28. Students who wish to proceed to the Final Complaint Review should complete and submit a [Final Complaint Review Form](#) to the University Secretary's Office within **2 weeks** from the date of the outcome letter.
- 28.1. The University Secretary and Registrar (or nominee) has the sole discretion to consider complaints outside of the time limits and will only consider late complaints at the review stage in exceptional circumstances. An explanation and any relevant evidence should be submitted with any late complaint review.
- 28.2. It will be the final decision of the University if the University Secretary and Registrar (or nominee) rejects the exceptional circumstances, or considers the matters being pursued are vexatious or without substance. In such instances, a Completion of Procedures letter will be provided within **2 weeks** of receipt of the Final Complaint Review.

29. A complaint must have been considered at the Formal Complaint stage before it can be escalated to the review stage. Complaints submitted directly to the University Secretary's Office at this stage will be referred back to the Formal Complaint stage for consideration.
30. The review stage will not reconsider the formal complaint afresh, be an opportunity for a second opinion, or involve a further investigation. A request for review will only be considered on the following grounds:
 - 30.1. There has been a procedural error in applying the regulations when the complaint was investigated. For instance, the review will consider whether the formal complaint was conducted fairly and in accordance to the procedures set out within the regulations.
 - 30.2. There has been other irregularities when the complaint was investigated which has demonstrably affected the outcome of the complaint to the detriment of the student. For instance, not all aspects of the complaint were addressed, the information provided in the outcome was considered incorrect, or the evidence provided was not taken into consideration.
 - 30.3. There is new essential evidence that could not be made available when the formal complaint was submitted or investigated that would have significantly affected the outcome of the complaint. In such instances students are expected to provide an explanation as to why the evidence is being submitted at this late stage of the procedure.
 - 30.4. The outcome decision was upheld or partially upheld but the decision or the proposed remedy was unreasonable or disproportionate.
31. With the grounds for review in mind, students are expected to clearly set out the grounds on which a review is being requested.
32. The University Secretary and Registrar (or nominee) shall refer to point 30 to determine that there are valid grounds for the review and within **5 weeks** of the review submission either:
 - 32.1. Reject and not uphold the complaint at the review stage. Students will be issued with a Completion of Procedures (COP) letter.
 - 32.2. Uphold or partially uphold the complaint at the review stage and propose a resolution or a revised resolution.
 - 32.3. Uphold and overturn the Formal Complaint outcome decision. Recommendations will be made to the School or Professional Service Department for reconsideration. Students will receive a written response from the School or Professional Service Department to explain how and when any recommendations by way of remedy will be implemented. A remedy can include an apology.

- 32.4. Students can request a COP letter where a review outcome decision is upheld. A COP letter will not automatically be issued to students following on from an upheld outcome.
- 32.5. If the investigation cannot be completed by the expected date, the University Secretary's Office will inform the student of the delay and give an indication of when the expected outcome is likely to be received.
33. At this point, students have completed the University's internal procedures. Students who remain dissatisfied with the outcome have the right to submit a complaint to the Office of the Independent Adjudicator (OIA) for Higher Education. A complaint must be submitted to the OIA within 12 months of the University's final decision.

Part 2 – General Provisions

Complaints excluded from this procedure and alternative procedures

34. It is impractical for the Students Complaints Procedure or any other procedures to cover every kind of issue that students may wish to raise. Therefore students should note that this procedure cannot be used to:
35. Raise complaints anonymously. Only in exceptional circumstances will anonymous complaints be investigated at the sole discretion of the University Secretary and Registrar.
36. Raise third party complaints on behalf of a student. This includes parents, guardians, relatives or the spouse or partner of a student. Only in exceptional circumstances will a complaint be considered if, written authorisation and valid reasons have been provided by the student.
37. Raise complaints about assessment board decisions for progression, assessments and awards. Complaints should be made by way of the appeals procedures. Appeals include complaints in relation to: procedural defects; termination of student registration and academic misconduct.
38. Raise complaints about students conduct or against other students at the University. Complaints should be made by way of the Student Conduct procedure or the Fitness to Study procedure.
39. Raise complaints about mitigating circumstances. Complaints should be made by way of the Mitigating Circumstances procedure.
40. Raise complaints about a number of issues outside of the Complaints Procedure. Students will be informed to submit the required form when a complaint would be more appropriately considered under a different process or procedure referred to in points 37-40.
 - 40.1. If two procedures are to be pursued at the same time, then one procedure may be suspended pending the completion of another. In this instance, students will be informed by the Complaint Handler, the University Secretary's Office (or their nominee) which procedure is being pursued and which procedure is being suspended.
41. Complain frivolously, vexatious, without substance or merit, or not in line with the Student Code of Conduct. Complaints of this nature, may be subject to action by the University under the Student Conduct procedure. Examples can include complaints which are harassing, designed to cause disruption or annoyance, demand for redress lacking any serious purpose or value and /or have unrealistic expectations and/or unreasonable outcomes.
42. Raise suggestions of a legal claim. This should be sent to the University Secretary and Registrar who will respond in line with the Court's guidelines. If a complaint raises the same issues as ongoing or completed legal proceedings or

issues contained in a letter of claim, the complaint will not be investigated unless ongoing legal proceedings are put on hold or the student confirms that they do not require a response to the letter of claim.

43. Complain against the Students' Union, such complaints should be made by way of the [Students' Union Complaints Procedure](#).
44. Where complaints concern the conduct of staff a decision will be made as to whether Human Resources need to be notified and/or if a separate procedure will be followed.

Collaborative/partner institutions

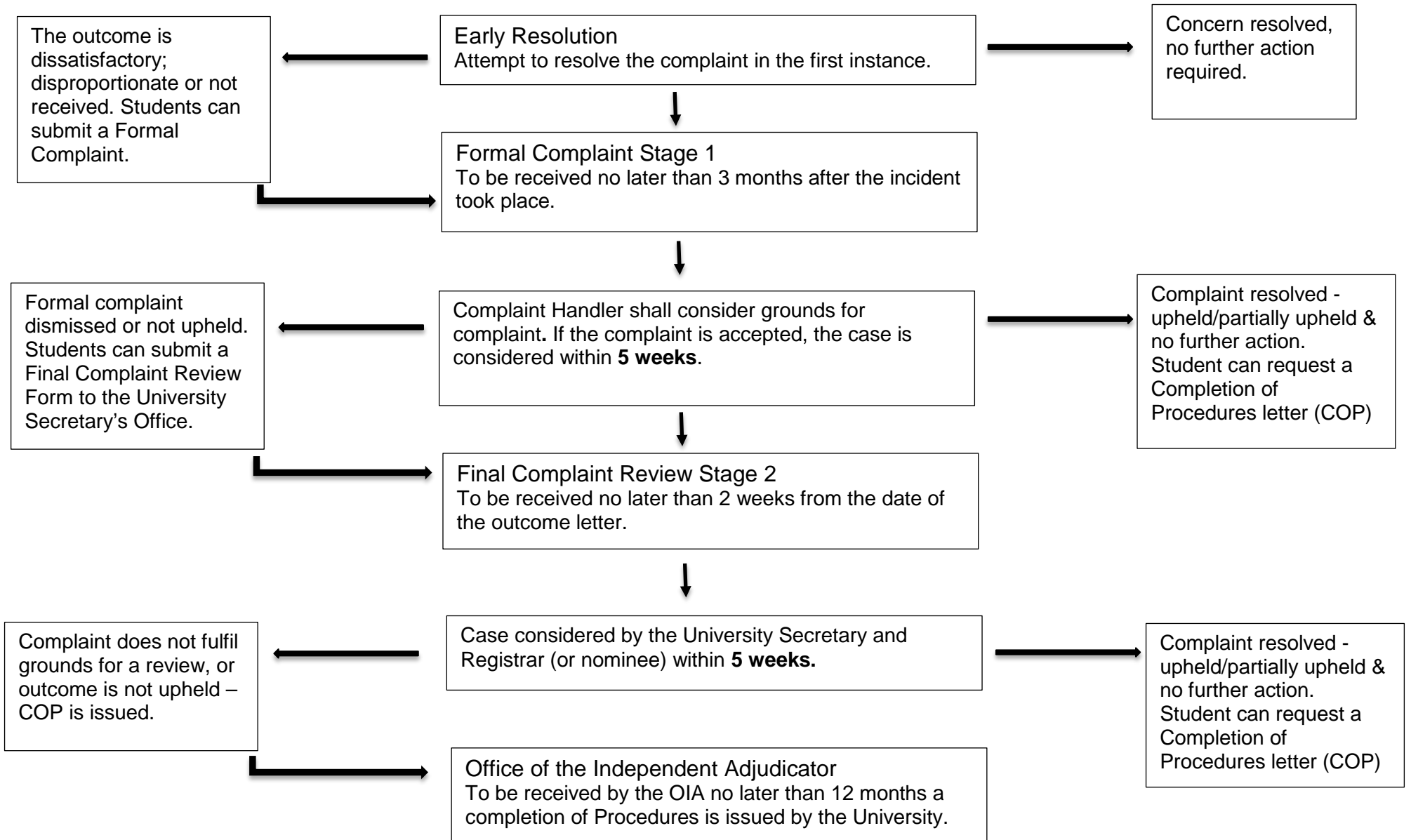
45. Academic complaints should be submitted following the procedure of the institution in which the student is based. Complaints from collaborative/partner institutions, may only be accepted at the University's Final Complaint Review Stage where students have reached the end of their collaborative/partner institutions internal procedures.

Complaints from students on placement

46. Specific concerns about placement provision, or students on placement can either fall under the jurisdiction of the University or under the host institution or company.
 - 46.1. In the first instance, a complaint should be taken up informally with either the appropriate member of staff or with the Placement Supervisor. This may be done by the student concerned, another student, the Placement Supervisor or another academic member of making the complaint.
 - 46.2. If students remains dissatisfied and wishes to make a formal complaint, the matter should be put in writing on a [Formal Complaint Form](#) and supporting evidence to the relevant [Complaint Handler](#) in line with the above procedures.
 - 46.3. If staff remain dissatisfied they may wish to pursue under Fitness to Practice for professional regulated course or [Student Conduct](#) or [Fitness to Study](#) Procedures.

Confidentiality

The outcomes and recommendations from complaints investigations may be shared across the University for institutional learning and reporting purposes, for instance to Academic Board and Board of Governors. However, any personal information will be removed and handled in accordance with the University's [Student Privacy Notice](#).



General Student Regulations

Section 9A – Student Academic Misconduct Procedure

2019-20

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Introduction

1. The purpose of these Procedures is to protect the academic standing of the University and the academic integrity of its awards, for the benefits of both the University and its students, whether past, present or future.
2. It is a student's responsibility to familiarise themselves with the academic conventions and practices applicable to the course on which they are enrolled. It shall be the responsibility of the student to ensure that the work they submit for assessment is entirely their own, or in the case of group work, the groups own and that they observe all Regulations, Procedures and instructions governing examinations.
3. For the purposes of these Procedures, the term 'academic misconduct' includes all forms of cheating (i.e. examinations, formal assessments, commissioning another person to complete an assessment or buying work online), plagiarism and collusion. For illustrative purposes, Schedule 1, although not exhaustive, sets out the categories and penalties of academic misconduct. Where reference is made within these procedures to the weight of evidence, the standard of proof to be applied will be based upon the balance of probabilities.
4. For the purposes of these Procedures, the person, (whether the University or the student) making an allegation or stating a particular fact is responsible for proving it. All decisions regarding the imposition of penalties under these Procedures shall take full account of the duty to act in a fair and equitable manner.
5. These Procedures also provide the opportunity for students to receive formative guidance on academic conduct and associated practices by making available, to students who are found to have contravened them, structured tutorial support (refer to 49).
6. Any student who is accused of academic misconduct is advised to promptly seek assistance from the Students' Union.
7. The University Secretary and Registrar has overall responsibility for the Student Academic Misconduct Procedures.

Applicability

8. These Regulations apply to:
 - 8.1. any person who is registered as a student of the University (including those students who have taken a break from their studies).
 - 8.2. so far as is practicable, any person to whom an offer of a place has been made and who subsequently becomes a student.

- 8.3. student against whom an allegation was pending when their registration by withdrawal or otherwise was terminated and who subsequently re-joins the University.

Standard of Conduct

9. Students shall:
 - 9.1. not claim others' work as their own and shall respect all relevant academic conventions and practices;
 - 9.2. not give or receive unpermitted aid in examinations; nor give or receive unpermitted aid in class work, in the preparation of essays, or coursework, or in any other work that is to be used as the basis of assessment;
 - 9.3. A non-exhaustive list of examples of academic misconduct is set out in the category or penalties.

Misconduct Offences

10. If a Student is found on the balance of probabilities to have committed misconduct they are liable to sanction and penalties.
11. An allegation of 'academic misconduct', including all forms of cheating, collusion and plagiarism, shall be dealt with under these Regulations.
12. All panels and decisions under these regulations shall be made and conducted in accordance with these Regulations.
13. Misconduct that has been proven under these regulations may be referred to in any reference given by the University or a member of staff. The University may also be obliged to report it to a relevant professional body.

Fitness to Practise and professional or regulatory requirements

14. Where allegations are made against a student on an Accredited Course, the University may:
 - 14.1. notify the relevant body of the matter.
 - 14.2. take separate action (in addition to any action under these Regulations) under its Fitness to Practise policy, Academic Regulations or Course Regulations. The University may use any evidence compiled pursuant to these Regulations in any Fitness to Practise proceedings.

Reporting allegations of Academic Misconduct

Examinations or tests

15. If, during an examination, an invigilator believes that a student has engaged in academic misconduct they shall normally inform the student and endorse the student's answer book as follows: with the time, and a brief description of the incident and with their initials. Any prohibited material will be removed and retained. The student shall then be permitted to continue, in a new answer book. A written report of the incident shall be made to the Student Casework Office by the invigilator or examiner concerned, as soon as possible and normally within a week of the incident. The Senior Invigilator shall, in addition, note the circumstances in the Senior Invigilator Report. Where evidence of academic misconduct is reported to the Student Casework Office after this deadline, an allegation may still be progressed against a student if, in the opinion of the Director of Student Journey (or nominee), there are compelling reasons to do so.

Other assessments

16. Where an internal examiner establishes that there is, in their view, evidence of academic misconduct, they shall provide a written report, including relevant evidence, to the Student Casework Office as soon as practicable, but no later than six weeks from the standard submission deadline for the work concerned. Exceptionally, a written report, including relevant evidence, may be submitted no later than a week after this period, but only with the prior agreement of the Student Casework Office. Where evidence of academic misconduct is reported to the Student Casework Office after this deadline, an allegation may still be progressed against a student if, in the opinion of the Director of Student Journey (or nominee), there are compelling reasons to do so.
17. Where an internal examiner has a reasonable suspicion a student has engaged in academic misconduct, the internal examiner may require the student to sit an informal *viva voce* examination. Such examination shall be conducted in accordance with guidance published by the Student Casework Office and the reports of the examination may stand as evidence under this part.
18. Where an external examiner establishes that there is, in their view, evidence of academic misconduct, they shall notify the internal examiner, who shall act in accordance with 16 above.
19. A student who believes that there are grounds for an allegation of academic misconduct against another student shall inform the relevant Module/Course Leader who shall establish if there is sufficient evidence of academic misconduct. If such evidence is found, the member of staff shall act in accordance with 16 above.
20. A report of academic misconduct shall:
 - 20.1. be in writing, signed and dated by the member of staff making it;

- 20.2. specify the full name(s) and number(s) of the student(s) to whom it relates;
- 20.3. state the basis and the evidence on which the allegation has been made and be accompanied by all the relevant evidence;
- 20.4. provide details of the assessment, including the coursework or examination questions, the weighting of the item of assessment and any information provided to students concerning academic conventions and practices.

Minor Academic Misconduct in coursework

21. Where a Module Leader establishes that there is evidence of academic misconduct relating to coursework which if substantiated would lead to Penalty 1 they shall submit an allegation pro forma to the Student Casework Office. The Module Leader shall retain the coursework.
22. Where the Student Casework Office determines that the alleged academic misconduct suggests a higher category and/or penalty, or where the student has a previous proven allegation substantiated against them, the case will be progressed under Regulations 26 to 49.
23. Unless the Student Casework Office has determined that the allegation should be progressed under Regulations 26 to 49, they will write to the student confirming:
 - 23.1. that an allegation has been submitted;
 - 23.2. details of how the student can access their work and evidence within the School should a student wish to review the basis of the allegation;
 - 23.3. details of how to request a review of the allegation, should a student wish to dispute the allegation;
 - 23.4. school arrangements and contacts details so that the student can undertake an academic conduct tutorial.
24. Unless the student requests a review of the allegation within the period stipulated by the Student Casework Office, the Module Leader may impose Penalty 1 and mark the work accordingly.

Penalties

25. The Table of Penalties applies to substantiated **first offences** of academic misconduct. A penalty for a second or subsequent substantiated allegation of academic misconduct will normally be **one penalty level higher** than that suggested below, **or one level higher than the previously imposed penalty, whichever is higher.**

Table of penalties

| | |
|-------------------|--|
| Penalty 1: | Reprimand, a formally recorded warning kept on the student's record. The Module Leader shall mark the work, but the mark may be reduced to reflect a student's failure to address the assessment criteria in areas of collation of sources and their citation. The student may be required to redo the work on pedagogic grounds. |
| Penalty 2: | Failure in the item of assessment, with reassessment right where permissible. The assessment component mark will be capped at a bare pass. |
| Penalty 3: | Failure in the item of assessment, with reassessment right where permissible. The module result will be capped at a bare pass. |
| Penalty 4: | Failure in the module: the student must re-register for the same module at the next opportunity where the re-registered module result will be capped at a bare pass. Where a re-registration of the same module, or suitable alternative, is not permissible the student will not be able to continue on the course. |
| Penalty 5: | Failure in the module, the student must re-register for the same module and the reregistered module will be capped at a bare pass. Where a re-registration of the same module, or suitable alternative, is not permissible the student will not be able to continue on the course. Additionally the following penalty will be applied to the student's final award: Undergraduate Honours - student's final classification will be reduced by one level Unclassified Bachelors to Diploma in Higher Education Foundation Degree – Distinction to Merit; Merit to Pass; Pass to Certificate in Higher Education Masters - Distinction to Merit; Merit to Pass; Pass to PG Dip |
| Penalty 6: | Expulsion. A student will not be permitted to exit with their named award, but may be permitted to exit with a lower award. |

Category of penalties

25.1. Examinations or tests

| Category | Type of academic misconduct | Penalty to be imposed |
|----------|--|-----------------------|
| 1.1 | Removing any script, paper, or other official stationery (whether completed or not) from the examination room, unless specifically authorised by an invigilator or examiner. | Penalty 2 |
| 1.2 | Possession or use of devices of any kind other than those specifically permitted in the rubric of the paper. | Penalty 2 |
| 1.3 | Communicating with another student or with any third party other than the invigilator/examiner during an examination or test. | Penalty 2 |
| 1.4 | During an examination or test, copying or attempting to copy the work of another student, whether by overlooking his or her work, asking him or her for | Penalty 3 |

| | | |
|------------|--|---|
| | information, or by any other means. | |
| 1.5 | Possession of crib sheets, revision notes (including, for example, those held on digital media devices) or accessing the internet in contravention of the examination rubric. | Penalty 4 |
| 1.6 | Attempting to persuade another member of the University (student, staff or invigilator) to participate in actions that would breach these Procedures. | Penalty 5 |
| 1.7 | Being party to any arrangement whereby a person other than the candidate represents, or intends to represent, the candidate in an examination or test. | Penalty 5 |
| 1.8 | Taking into an examination a pre-written examination script for submission and exchanging it for a blank examination script. | Penalty 5 |
| 1.9 | Obtaining access to an unseen examination or test prior to the start of an examination/test. | Penalty 6 |
| | A penalty of expulsion shall be applied where a student has previously received a Penalty under these Procedures where the previous or current penalty is Penalty 5 or where two or more allegations are made within one academic year that each individually equate to Penalty 5. | Penalty 6 |
| | Being party to any other arrangement that would constitute a breach of these Procedures. | Penalty will correspond to the nature of the offence and will be in accordance with penalties outlined for each of the above |

25.2. Coursework

Sources of academic misconduct in coursework can include fellow students, published sources including the Internet, essay banks and other commissioned and uncommissioned sources.

| Category | Type of academic misconduct | Penalty to be imposed | |
|-----------------|---|------------------------------|------------------|
| 1.10 | Making available work to another student, either intentionally or as a result of negligence that can be presented as another student's. | Penalty 1 | |
| 1.11 | Isolated use of quotes without the use of quotation marks and/or referencing. | FHEQ levels 3 and 4 | Penalty 1 |
| | | All other levels | Penalty 2 |

| | | | |
|------|--|---------------------|-----------|
| 1.12 | Representation of work produced in collaboration with another person or persons as the work of a single student. | FHEQ levels 3 and 4 | Penalty 1 |
| | | All other levels | Penalty 2 |
| 1.13 | Submission for assessment of work submitted previously by the student (either at London Met or another institution) or work submitted for assessment that has previously been published elsewhere, where the duplication concerned is isolated . | FHEQ levels 3 and 4 | Penalty 1 |
| | | All other levels | Penalty 2 |
| 1.14 | Extensive use of quotes or close paraphrasing without the use of quotation marks and/or referencing, where the student has cited the plagiarised material in the bibliography. | FHEQ levels 3 and 4 | Penalty 2 |
| | | All other levels | Penalty 3 |
| 1.15 | Submission for assessment of work submitted previously by the student (either at London Met or another institution) or work submitted for assessment that has previously been published elsewhere, where the duplication concerned is extensive . | FHEQ levels 3 and 4 | Penalty 2 |
| | | All other levels | Penalty 3 |
| 1.16 | Using another student's work and submitting some or all of it as if it were the student's own. | Penalty 4 | |
| 1.17 | The presentation of data in laboratory work, projects etc. based on work purporting to have been carried out by the student but which has been invented, altered or falsified. | Penalty 4 | |
| 1.18 | Extensive use of quotes or close paraphrasing without the use of quotation marks and/or referencing, where the student has not cited the plagiarised material in the bibliography. | Penalty 4 | |
| 1.19 | Stealing another student's work and submitting it as the student's own work (where the originator is not denied the opportunity of submission). | Penalty 5 | |
| 1.20 | Commissioning another person to complete an item of University assessment. This could include the use of professional essay writing services, essay banks, ghost-writing services etc. | Penalty 4 | |
| 1.21 | Commissioning another person to complete an item of University assessment, which is then submitted as a student's own work. This could include the use of professional essay writing services, essay banks, ghost-writing services etc. | Penalty 5 | |
| 1.22 | Failure to secure appropriate ethical approval in advance of conducting research, an experiment, study or similar | Penalty 5 | |

| | | |
|-------------|--|---|
| 1.23 | Stealing another student's work and submitting it as the student's own work (where the originator is denied the opportunity of submission). | Penalty 6 |
| 1.24 | Agreeing, assisting, encouraging, advising or attempting to persuade another member of the University (student or staff) to participate in actions that would breach these Procedures. | Penalty 6 |
| | A penalty of expulsion shall be applied where a student has previously received a Penalty under these Procedures where the previous or current penalty is Penalty or where two or more allegations are made within one academic year that each individually equate to Penalty 5. | Penalty 6 |
| | Being party to any other arrangement that would constitute a breach of these Procedures. | Penalty will correspond to the nature of the offence and will be in accordance with penalties outlined for each of the above |

Please note that all imposed penalties are subservient to the undergraduate and postgraduate regulatory frameworks. Please refer to the penalties below for Research Degree and Regulation 58 for academic misconduct identified after a student has graduated..

Schedule 2 Penalties for Research Degree allegations

In the case of a substantiated allegation of academic misconduct in a Research Degree, the Panel shall determine the appropriate penalty to be imposed from one of the following penalty options:

| | |
|--------------------|---|
| Penalty R1 | Reprimand, a formally recorded warning kept on the student's record. |
| Penalty R2: | Failure in the thesis, with the possibility of resubmission for a lesser award, as determined the Research Degrees Sub-Committee. |
| Penalty R3: | Failure in the thesis, without resubmission right. |
| Penalty R4: | Expulsion. |

N.B In the case of a Research Degree student, a penalty of expulsion **may be** imposed for a first offence.

Consideration of allegations of Academic Misconduct

26. The Student Casework Office shall first determine if there is evidence to progress an allegation lodged in accordance with Regulations 15 to 20 above. A lodged allegation shall usually be considered by the Student Casework Office within 8 weeks. There may be circumstances where, for good reason, the University will

needs to extend this timeframe; if this occurs the University will advise the student of this. Circumstance that may delay completion of the procedures include but are not limited to:

- 26.1. incomplete form and/or evidence;
 - 26.2. delays in student responses;
 - 26.3. consideration being put on hold for allow for matters being considered as part of another procedure, for instance non-academic misconduct. Any period which the appeal is put on hold to allow for consideration of another procedure shall not be included in the 8 week period referred to above.
27. In cases where there is insufficient evidence, the case will be returned to the Module Leader with a request that the work is marked in the normal way as per the University's Academic Regulations.
 28. For very minor cases of academic misconduct not listed in the Table of Penalties above, the School concerned shall be advised to counsel the student as to the nature of the misconduct. In such cases, the allegation will not be progressed via these Regulations.
 29. In cases where there is sufficient evidence for an allegation to be progressed, the Student Casework Office shall determine if the nature of the academic misconduct clearly falls under one of the categories listed in Schedule 1.
 30. In cases where the academic misconduct clearly falls under one of the categories listed in Schedule 1, the student will be informed that there is sufficient evidence to support the allegation. The student will be invited to make any submissions in response to the allegation within a period of ten working days. Any submissions provided by the student will be considered before a decision about the allegation is made. If the student fails to make such submissions within the time period, or at all, the decision will be that the allegation is found to be proven and an appropriate penalty imposed.
 31. In cases where the academic misconduct falls under two or more categories; e.g. in cases of collusion, or where there is ambiguity as to the nature of the academic misconduct, the Student Casework Office shall progress the case by notifying the student in writing of the allegation and by requesting that the student responds by the completion of a Procedural Form.
 32. In relation to regulation 30 and 31 above, the Student Casework Office will notify a student of the academic misconduct presented against them. Notification to the student shall include:
 - 32.1. a copy of the allegation and all evidence in support of it;
 - 32.2. a copy of these Regulations;

- 32.3. in cases where there is sufficient evidence to support the allegation (refer 30 above), the options available for a review of the decision and how to request such a review; or,
- 32.4. in cases progressed under Regulation 31, a Procedural Form, which the student must complete, detailing the options by which the student can respond to the allegation.

Options for a student's response

- 33. Where a student has been notified of an allegation of academic misconduct, they may request in writing, within ten working days from the date of receipt of the notification of the allegation, a review of the allegation of academic misconduct against them.
- 34. In cases progressed under Regulation 30, when requesting a review a student may:
 - 34.1. in the case of Penalty 1, dispute the allegation;
 - 34.2. dispute the allegation and also make representations against the level of the penalty imposed. Where a student does not explicitly request an oral hearing the case will be considered by way of written representations; or,
 - 34.3. accept the allegation, but make written representations only as to the level of penalty imposed.
- 35. In cases progressed under Regulation 31, when requesting a review a student shall:
 - 35.1. complete, sign and return the Procedural Form attaching any evidence in support of their statement, to the Student Casework Office; and
 - 35.2. accept the allegation, indicating where appropriate the category of academic misconduct which is accepted; or,
 - 35.3. dispute the allegation and want the response to the allegation to be considered by way of written submission or at an oral hearing. Where a student does not explicitly request an oral hearing the case will be considered by way of written representations.

Requesting a review

- 36. When requesting a review a student shall indicate whether they want the allegation and their response to it to be considered by way of written submission or at an oral hearing. Where a student does not explicitly request an oral hearing the case will be considered by way of written representations
- 37. In cases involving two or more students, if one student opts for an oral hearing of the case then all the students who responded to the allegation will be invited

to attend the hearing. A student who originally requested for the case to be heard by way of written representations shall not be eligible to request a postponement of the hearing.

Valid/Invalid Responses

- 38. In responding a student shall identify and explain the reasons that form the basis of the case upon which the student is relying and should be accompanied by all relevant evidence in support of her/his statement. Requests that do not identify and explain the reasons upon which the student is relying shall be deemed invalid by the Student Casework Office; the student shall be notified in writing of this and shall be deemed to have accepted the allegation.
- 39. Where students do not respond within the stated deadline they will be deemed to have accepted the allegation against them and, where necessary, a Panel shall determine the appropriate category of academic misconduct. The Student Casework Office shall inform the student in writing of the Panel’s decision or that by not responding the student has missed the deadline to request a review but that they may still be able to appeal in accordance with the composition of the panel below to consider all valid student responses.

Composition and role of the Panel

In respect of all hearings and decisions under these Regulations:

- 40. The student shall be presumed innocent of the alleged misconduct until a decision or determination has been made;
 - 40.1. An allegation of misconduct shall only be proven, if it is found that it is more likely than not that the misconduct occurred (that is, on the balance of probabilities);
 - 40.2. The person (whether the University or the student) making an allegation or stating a particular fact is responsible for proving it. There is no need to prove an allegation or a fact that has been admitted.
- 41. The composition of a Panel convened under these regulations and its Chair will be determined in accordance with the table below:

| | Size of panel | Membership requirements | Chair |
|---|---|---|--|
| Academic misconduct (undergraduate and taught postgraduate) | Written representations: At least two, not exceeding four | <ul style="list-style-type: none"> • at least two academic member of staff | Member of academic staff designated by |

| | | | |
|--|---|---|--|
| students) | Oral hearing: At least two, not exceeding four | | the Panel itself |
| Academic misconduct (postgraduate research students) | Written representations: At least two, not exceeding four | <ul style="list-style-type: none"> at least two members of the Research degrees subcommittee | Person designated by the Research Degrees subcommittee |
| | Oral hearing: At least two, not exceeding four | | |

42. No person shall be eligible to be a member of a Panel who has:
- 42.1. any responsibility for the teaching or assessment of the module in question; or,
 - 42.2. been previously involved in a review of an allegation involving the same student,
43. The Student Casework Office shall appoint a clerk to the Panel and shall supply all the relevant documentation to the Panel.
44. In respect of any oral hearing before a Panel:
- 44.1. the student shall be given at least 5 days' notice of the hearing, which will include details of the panel, a list of witnesses that the person making the allegation/Student Casework Office intend to call;
 - 44.2. the student shall file with the Student Casework Office a list of witnesses whom they intend to call no later than 3 days before the hearing. It is the student's responsibility to arrange for these witnesses to attend the hearing.
45. At any oral hearing before the Panel arranged under these Regulations, the student may:
- 45.1. attend the hearing either in person or by suitable electronic means agreed by the Chair of the Panel in which all participating in the meeting may communicate with all the other participants. The student does not need to attend the hearing and the Panel may make a decision in the student's absence, provided that the Panel is satisfied the student was informed of the date of the hearing and has not given a reasonable excuse (supported by evidence) for absence. An oral hearing will only be postponed more than once in exceptional circumstances;

- 45.2. be assisted by a friend at the hearing. The Chair of the Panel may permit the friend to speak on behalf of the student if it would assist the running of the hearing. The student is responsible for arranging the Friend's attendance at the hearing;
 - 45.3. see any documents relevant to the matter that the Panel has seen (whether or not the University relies on them);
 - 45.4. ask questions to clarify the allegations and the facts that are being alleged;
 - 45.5. call witnesses. The student is responsible for arranging the witnesses' attendance at the hearing. The Panel may decline to hear a witness if their evidence is not relevant;
 - 45.6. ask (via the Chair of the Panel) questions of witnesses or the person presenting the case against them;
 - 45.7. make representations to the Panel, including putting forward any mitigation;
46. The Panel shall be conducted in accordance with the directions (whether given at the hearing or beforehand) of the Chair of the Panel, who may also determine the order of proceedings. Such directions may include:
- 46.1. hearing of related allegations against two or more students at the same hearing;
 - 46.2. requiring the provision of written witness statements or summaries of the witnesses' evidence before the hearing;
 - 46.3. the manner in which any witnesses' evidence will be taken (for example, in person or by suitable electronic means);
 - 46.4. imposing time limits on submissions;
 - 46.5. adjourning the hearing to another time or place;
 - 46.6. shall be conducted in private, except that members of staff may attend for training purposes, with the agreement of the student;
 - 46.7. may ask questions of the student, witnesses or the person presenting the case against the student;
 - 46.8. may take advice from the clerk, a legal advisor or other advisors;

- 46.9. shall reach its decision by majority vote. In the event of a tie, the Chair of the Panel shall have a second or casting vote;
- 46.10. shall not be made aware of any previous misconduct by the student, except where the previous misconduct is relevant to the current allegation or when the Panel is considering sanctions, and only with the agreement of the Chair of the Panel;
- 46.11. shall state the reasons for the decision that it reaches, including any penalties imposed;
- 46.12. a record of the salient points of Panel proceedings, including the Panel's reasons shall be kept and shall be agreed by the Chair of the Panel.
- 46.13. the clerk to the Hearing shall notify the student of the decision of the Hearing and shall record the decision on the student's file

Consideration of a Student's Response

47. Where a student disputes the allegation, a Panel shall consider the allegation and the evidence in support of it alongside the student's submission. The Panel shall then determine whether there is sufficient evidence of academic misconduct to substantiate the allegation under one of the categories of academic misconduct listed in Schedule 1. In such cases the Panel shall substantiate the allegation and further consider any representations, which have been presented by the student, as to the imposed penalty.
48. Where a student has made representations only against the penalty imposed, the Panel shall consider these representations and determine if valid grounds have been presented upon which the penalty may be lowered. There is no requirement to substantiate an allegation that has been admitted.

Academic Conduct Tutorial

49. All students who are found to have contravened these regulations with regard to assessments other than examinations shall be encouraged to attend a tutorial on academic conduct. This tutorial shall provide the opportunity for students to receive guidance on models of good academic practice and referencing conventions in the subject area concerned. The tutorial shall also provide students with the opportunity to understand the nature of their transgression and receive advice on their future academic conduct.

Appeal

50. A student who has received a penalty pursuant to these Regulations may appeal the decision or the penalty.
51. The appeal must be made in writing on the prescribed Appeal Form signed by the Student and sent to the Student Casework Office within two weeks of the date the student was notified of the decision being appealed.

Grounds for appeal

52. An appeal may only be made on the grounds that:
 - 52.1. the student was unable to respond to the allegation within the timeframes provided in these Regulations for valid reasons beyond the student's control; or
 - 52.2. there has been a material procedural defect, other than one for which the student is responsible, resulting in substantial unfairness to the student; or
 - 52.3. the evidence of alleged misconduct was insufficient to substantiate the allegation; or
 - 52.4. the student has new evidence that they could not reasonably have provided during the investigation and which would probably have a material influence on the outcome. Other than this, no new evidence shall be considered; or
 - 52.5. the sanction or penalty is manifestly disproportionate to the misconduct that was found.

Appeal procedure

53. The Student Casework Office may dismiss an appeal that:
 - 53.1. is received late and there is no reasonable explanation why it could not be brought in time, or;
 - 53.2. does not clearly state the grounds on which the appeal is being made; or
 - 53.3. does not disclose any reasonable grounds of appeal; or
 - 53.4. is entirely without merit.
54. Unless the appeal is dismissed pursuant to Regulation 53, the Student Casework Office shall refer the appeal to the Vice-Chancellor or their nominee within 5 working days of receiving the student's duly completed Appeal Form.

55. The Vice-Chancellor shall consider the appeal on the basis of the written appeal papers, unless it would assist their consideration or otherwise in the interest of fairness, in which case a hearing shall be convened. A decision on the basis of the written appeal papers or a decision to convene a hearing shall usually be made within 4 weeks of the Student Casework Office's receipt of the duly completed Appeal Form.
56. After reviewing the decision and the appeal the Vice-Chancellor may:
 - 56.1. affirm, set aside or vary any finding or decision reached;
 - 56.2. refer the matter, or any part of it or any decision to the Academic Misconduct Panel for further consideration, with any such guidance as the Vice-Chancellor thinks fit.
 - 56.3. The Vice-Chancellor shall notify the student and Student Casework Office of their decision within the timeframe stated in Regulation 55 above.

Academic Misconduct Appeals from students at Collaborative/Partner Institutions

57. Students from collaborative/partner institutions who have completed the academic misconduct procedures of their host institution shall have a final right of appeal to the University. Any appeal will be dealt with in accordance with regulations 50 to 56 above.

Academic misconduct after a student has graduated

58. Penalties will be applied where academic misconduct has been substantiated for a student who has completed their studies and a final award has been conferred. The most serious penalty that may be applied shall be withdrawal of the relevant award previously conferred on the student.

Office of the Independent Adjudicator for Higher Education

59. Under the Higher Education Act 2004 the University subscribes to the independent scheme for the review of student complaints. If a student is dissatisfied with the outcome of a misconduct case they may be able to apply for a review to the Office of the Independent Adjudicator for students in Higher Education (OIA) providing that the complaint they make to the OIA is eligible under its Rules. The University will confirm in writing to students, by way of a Completion of Procedures email/letter, when they have exhausted the University's internal procedures. At this point students may make a complaint to the OIA if they wish.

General Student Regulations

Section 9B - Student Conduct

2019-20

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Part 1. General Provisions

1 Introduction

- 1.1 These Student Conduct Regulations (“Regulations”) set out the expectations on students to maintain the University as a community of scholars in which all members can work beside each other in conditions which permit freedom of thought and expression within a framework of intellectual honesty and respect for the rights of other persons. The Regulations also provide for the discipline of students on the grounds of misconduct.
- 1.2 Nothing in these Regulations is intended to limit Students’ freedom of expression within the law, or to prevent Students from openly criticising, disagreeing with or peacefully protesting against the University.
- 1.3 The use of the procedures under these Regulations is a serious matter. Any student who is accused of misconduct is advised to seek assistance from the Students’ Union promptly.

2 Application

- 2.1 These Regulations apply to:
 - 2.1.1 any person who is registered as a student of the University (including those students who have taken a break from their studies);
 - 2.1.2 so far as is practicable, any person to whom an offer of a place has been made and who subsequently becomes a Student; and
 - 2.1.3 Student against whom an allegation was pending when their registration by withdrawal or otherwise was terminated and who subsequently re-joins the University.
- 2.2 These regulations apply where the alleged conduct
 - 2.2.1 affects the University or its property; or
 - 2.2.2 affects the person or property of its students, staff, visitors; or
 - 2.2.3 occurred during or arises out of university activities (including placements or field work or trips) or use of University facilities or premises; or
 - 2.2.4 brings the University or its community into disrepute.
- 2.3 It does not matter whether the alleged conduct takes place on or off University premises. These Regulations also apply to conduct on social media.

- 2.4 Students at a partner institution are subject to that institution's code of discipline or disciplinary regulations. Such a student shall only be subject to these regulations in the event that the partner institutions code of discipline or disciplinary procedure does not adequately cover (either in scope or sanction available) acts that would be considered misconduct under these regulations.
- 2.5 Where the alleged misconduct arises or appears to arise from a physical or mental health condition (including from a failure to take prescribed medication), the allegation shall be dealt with in accordance with the University's Fitness to Study regulations.

3 Standard of Conduct

- 3.1 Students shall:
- 3.1.1 respect and uphold the rights and dignity of others regardless of race, colour, national or ethnic origin, sex, age, disability, religion, sexual orientation, gender identity, or socio-economic status;
 - 3.1.2 uphold the integrity of the University as a community of scholars in which freedom of speech within the law is available to all;
 - 3.1.3 respect university policies as well as the law;
 - 3.1.4 not improperly interfere (by act or omission) with the functioning or activities of the University, or of those who work or study in the University, or improperly damage the University or its reputation.
- 3.2 Breach of this standard of conduct shall be misconduct. A non-exhaustive list of examples of misconduct is set out in Schedule 1 .

4 Misconduct Offences

- 4.1 If a Panel finds that it is more likely than not that a student has committed misconduct, the student is liable to disciplinary proceedings and sanctions.
- 4.2 All interviews, panels and decisions under these regulations shall be made and conducted in accordance with Schedule 3.
- 4.3 Misconduct that has been proven under these regulations may be referred to in any reference given by the University or a member of staff. The University may also be obliged to report it to a relevant professional body.

5 Criminal Offences

- 5.1 The University cannot determine whether a criminal offence has been committed – that is a matter for the criminal courts. However, the University recognises that some misconduct may also constitute a criminal offence.
- 5.2 Where alleged misconduct is or could also be a criminal offence, the Proctor shall confer with the University Secretary. The University may:
- 5.2.1 Report the matter to the police or other relevant authority, but this does not affect the right of any person affected by the alleged misconduct to report it to the police on their own behalf;
 - 5.2.2 Defer taking action until the police, Crown Prosecution Service and courts have dealt with the matter; and/or
 - 5.2.3 Continue with its investigation, where it is confident that the University's investigation will not prejudice or hinder the police investigation or criminal proceedings.
- 5.3 The University is entitled to rely on the fact of a criminal conviction (whether on a guilty plea or otherwise) or acceptance of a caution as proving that an offence was committed and the facts on which the conviction is based occurred.
- 5.4 The University will take into account any caution accepted or sentence imposed when deciding the appropriate penalty.
- 5.5 Save as provided for by regulations 5.3 and 5.4, proceedings under these regulations are separate from and additional to the criminal law. A student is not exempt from proceedings under these regulations simply because they have been convicted of a criminal offence arising out of the same set of facts and no defence of double jeopardy can be claimed. Similarly, a student is not exempt from proceedings under these regulations simply because they have been acquitted of a criminal offence arising out of the same set of facts and no defence of double jeopardy can be claimed.

6 Licensed Premises

- 6.1 While an alleged incident takes place on licensed premises (whether on University premises or elsewhere) that incident may give rise to both proceedings under these regulations and exclusion, barring or suspension of access to the licensed premises by the licensee in accordance with the general law.
- 6.2 Proceedings under these regulations are separate from and additional to any decision of a licensee regarding exclusion, barring or suspension of access to licensed premises. A student is not exempt from proceedings under these regulations simply because of a licensee's

decision based on the same set of facts and no defence of double jeopardy can be claimed.

- 6.3 No decision under these regulations may overrule, reverse or amend any decision of a licensee regarding licensed premises.

7 Fitness to Practise and professional or regulatory requirements

- 7.1 Where allegations are made against a student on an Accredited Course, the University may:

7.1.1 Notify the relevant body of the matter;

7.1.2 Take separate action (in addition to any action under these regulations) under its Fitness to Practise policy, Academic Regulations or course regulations. The University may use any evidence compiled pursuant to these regulations in any Fitness to Practise proceedings or vice versa.

8 Authority to Check Disorder

- 8.1 All members of staff have the authority to check disorder or any potential and/or actual breach of regulations or policies by students occurring in any part of the University. This may include giving the student an oral warning or requiring a student to leave a particular area of the University's premises, such as a lecture room or library, for a specified period not exceeding 1 hour or the end of the teaching session (whichever is longer). Because it is a short-term measure, there is no right of appeal against a member of staff's decision.

- 8.2 Where a student is reasonably believed to be causing disorder, a Facilities Manager may, on their own authority or on the report of a member of staff, ban the student from the University's premises for 24 hours. Because it is a short-term measure, there is no right of appeal against a Facilities Manager's decision.

- 8.3 Where a staff member has exercised the authority under regulation 8, they must report the matter to the Proctor.

9 Precautionary Suspension and Conditions

- 9.1 Where a student is suspected of misconduct, a Proctor may, with the consent of a member of Senior Staff, suspend the student for a period of time or indefinitely if:

9.1.1 A criminal charge is pending against the student; or

9.1.2 They consider that the student's presence on University premises would:

- 9.1.2.1 breach the University's duty of care to the student or others; or
 - 9.1.2.2 cause the University to be in breach of its wider obligations (including, but not limited to, obligations under the UK immigration regulations); or
 - 9.1.2.3 impede an investigation into the allegation;
- 9.2 A member of Senior Staff may suspend a student in the circumstances set out in regulation 9.1 in the absence of the Proctor.
- 9.3 Suspension means that the student shall be excluded from all University premises. The student may seek support from their Personal Academic Tutor or the Students' Union, but this must be by appointment. A student who has not made an appointment will not be admitted to the University's premises.
- 9.4 Where a student is suspected of misconduct, a Proctor may, with the consent of a member of Senior Staff, impose conditions on the student for a period of time or indefinitely, whether in addition to a suspension or not, to ensure that:
 - 9.4.1 The student does not cause the University to be in breach of its:
 - 9.4.1.1 wider obligations (including, but not limited to, obligations under the immigration regulations); or
 - 9.4.1.2 duty of care to the student or others or
 - 9.4.2 the student does not impede an investigation into the allegation.
- 9.5 A member of Senior Staff may impose conditions on a Student in the circumstances set out in regulation 9.4 in the absence of the Proctor.
- 9.6 A student who has been suspended or had conditions imposed under regulation 9 may:
 - 9.6.1 Ask the Proctor or University Secretary to review the suspension or condition. Any such request must be in writing and may be made not more frequently than once a month or where there has been a material change of circumstances.
 - 9.6.2 Ask the Proctor or University Secretary for temporary permission to attend the University or temporary variation of the conditions for examinations, for submission of coursework or to access student support or advice from Student Services or the Students' Union. Such request must be in writing.
- 9.7 Suspension and conditions under this regulation 9 are precautionary and do not mean that the allegation has been judged or proven. A suspension or conditions must not be used as a punishment or used in place of disciplinary proceedings.

10 Office of the Independent Adjudicator for Higher Education

- 10.1 Under the Higher Education Act 2004 the University subscribes to the independent scheme for the review of student complaints. If a student is dissatisfied with the outcome of a misconduct case they may be able to apply for a review to the Office of the Independent Adjudicator for students in Higher Education (OIA) providing that the complaint they make to the OIA is eligible under its Rules. The University will confirm in writing to students, by way of a Completion of Procedures email/letter, when they have exhausted the University's internal procedures. At this point students may make a complaint to the OIA if they wish.

Part 2. Investigations and Panels

11 Proctors

- 11.1 Each Head of School shall appoint one or more Proctors to investigate allegations of misconduct against students. An additional Proctor may be nominated by a Head of School for a particular allegation of misconduct.
- 11.2 In exceptional cases or in cases involving a sabbatical officer of the Students' Union a Proctor may be nominated by the University Secretary.
- 11.3 A Proctor's authority to act may be confirmed retrospectively in cases where it has been called into question. Unless a Proctor is disqualified from acting for reasons of actual or apparent bias, the Head of School or University Secretary's confirmation of the Proctor's authority shall be final.
- 11.4 Allegations of non-academic misconduct by a Student should be reported to a Proctor. This will usually be the Proctor for the School to which the student belongs. A Proctor should not investigate allegations where:
- 11.4.1 They teach or have taught the student against the allegation has been made
 - 11.4.2 They have a close connection with the student or the complainant;
 - 11.4.3 They have previously advised the student or complainant regarding the allegation; or

- 11.4.4 A reasonable independent third party would conclude there was a real possibility that they would not be impartial.
- 11.5 Where a student wants to report an allegation of non-academic misconduct by another Student, but does not know which school the other Student is a member of, they can report the matter to the Proctor for their own School.
- 11.6 Where a Proctor receives an allegation or is otherwise made aware of non-academic misconduct, they shall investigate matters relevant to the alleged misconduct to determine whether misconduct has taken place. This investigation will usually be completed within 25 days of the receipt of notice of the suspected misconduct. In complex matters the investigation may take longer than this.
- 11.7 The nature of the investigation under regulation 11.2 will depend on the nature and complexity of the allegation, but the investigation:
 - 11.7.1 May include an interview with the person reporting the alleged misconduct
 - 11.7.2 should include an interview with the student against whom the allegation is made, where the allegation against them and evidence on which it is based is put to them and they have an opportunity to respond. A student can decline to be interviewed and/or may give a written response. A student who refuses or fails to attend 2 interviews without good reason, shall be deemed to have declined the opportunity to be interviewed.
 - 11.7.3 may include enquiries of the University's Disability and Dyslexia Service.
- 11.8 The interview under regulation 11.6.2 should be conducted in accordance with Schedule 3. A student may decline to be interviewed. If a student declines to be interviewed the Proctor shall proceed on the basis of the evidence available to them.
- 11.9 When the investigation is complete, the Proctor shall decide whether there is sufficient evidence to proceed. The Proctor shall have regard to the guidance published by the University Secretary on sufficiency of evidence.

12 Misconduct

- 12.1 Where the Proctor is satisfied that there is sufficient evidence to support the allegation, they shall inform the student. Notification to the student shall include:
 - 12.1.1 a copy of the Disciplinary Misconduct Report and any evidence in support of it;
 - 12.1.2 a copy of these regulations;

- 12.1.3 an invitation to the student to admit or deny the allegations and to make any submissions in response to the allegation within a period of ten working days to the Student Casework Office. The student should submit any documents that they intend to rely on in response to the allegation. **Failure to respond will result in the University deeming that the student has accepted the allegation and a Panel shall determine the appropriate sanction to be imposed.**
- 12.2 The Student Casework Office shall refer the allegation to a panel unless they consider:
 - 12.2.1 that there is insufficient evidence to substantiate the allegation against the student;
 - 12.2.2 there is a real risk that proceeding will adversely affect the student's health or the health of or safeguarding the welfare of another person; or
 - 12.2.3 that it is not in the University's interests for the matter to proceed.
- 12.3 Where the Student Casework Office declines to refer a matter to a Panel pursuant to regulation 12.2.1, they may refer the matter to Proctor for further investigation (and subsequent referral).
- 12.4 Where the Student Casework Office declines to refer a matter to a Panel pursuant to regulation 12.2.2, they may make a safeguarding referral.

13 Consideration by a Panel

- 13.1 A Panel shall consider all allegations of misconduct referred to it by the Student Casework Office.
- 13.2 Where the misconduct has been admitted or is deemed to have been admitted the Panel shall only consider the question of the appropriate sanction;
- 13.3 A hearing before a Panel shall be convened by the Student Casework Office, which shall also appoint a clerk to the Panel. Such hearing shall usually take place within 30 days of receipt of the Proctor's referral by the Student Casework Office.
- 13.4 The Panel shall have at least two, and not more than three members. There must be at least one member of academic staff and at least one representative of the Students' Union.
- 13.5 No person shall be a member of a Panel if they:
 - 13.5.1 are a member of the same School as the student or have a close connection with the student; or,
 - 13.5.2 Have a close connection with the complainant; or

- 13.5.3 have been previously involved in a review of an allegation involving the same student; or
- 13.5.4 have previously advised the student or complainant regarding the allegation; or
- 13.5.5 A reasonable independent third party would conclude there was a real possibility that they would not be impartial.
- 13.6 The preparation for the hearing shall be in accordance with Schedule 3.
- 13.7 The hearing shall be conducted in accordance with Schedule 3 and the Proctor (or their nominee) shall present the case against the student.
- 13.8 Where the Panel determines that the student has committed misconduct it shall apply one or more of the sanctions set out in Schedule 2.
- 13.9 Imposition of a financial sanction under regulation 13.7 shall not prevent the University or any other person from seeking compensation from the student for the costs of repair to their property.
- 13.10 The clerk to the Panel shall notify the student, the Proctor, the Student Casework Office and the Head of School of the decision of the Panel and shall record the decision on the student's file.

14 Dealing with Allegations Administratively

- 14.1 Where the Proctor decides that it is more likely than not that the student has committed the misconduct, before notifying the student under regulation 12.1, and having specific regard to guidance from the University Secretary on when it is appropriate to deal with matters administratively, they may deal with the matter in accordance with regulation 14.3
- 14.2 The following cannot be dealt with under regulation 14.3
 - 14.2.1 repeated or systematic misconduct;
 - 14.2.2 attempts to influence or victimise complainants or witnesses involved with any proceedings under these regulations or criminal proceedings;
 - 14.2.3 failure to comply with a sanction imposed under these regulations, the conditions of a conditional warning or reprimand, or the conditions of an Undertaking.
 - 14.2.4 misconduct relating to examinations or assessments (insofar as it does not amount to academic misconduct);
 - 14.2.5 submission of falsified documents to the University (including documents provided evidence in support of mitigating circumstances claims or academic appeals, or in support of an application to study, enrolment, or access to student funding, or a visa sponsorship);

- 14.2.6 a criminal offence where a custodial sentence (immediate or suspended) has been given.
- 14.3 The Proctor shall notify the student of the allegation, their conclusion that the student committed the misconduct and that it will be dealt with administratively and provide a summary of the reasons for their decision and may give the student:
 - 14.3.1 a warning - this notes that the misconduct has been committed by the student, but no further sanction will be applied. It is sufficient to record the matter on the student's file.
 - 14.3.2 a conditional warning - this notes that the misconduct has been committed by the student, but no further sanction will be applied, provided the student complies with certain conditions. Such conditions may include a requirement to apologise, to make reparation (financial restitution or otherwise) and/or to accept behavioural measures to prevent future misconduct.
- 14.4 Before giving a warning or conditional warning, the Proctor shall have specific regard to guidance from the University Secretary on the use of warnings.
- 14.5 The Proctor shall within 5 days notify the student, Head of School and the Student Casework Office of their decision under regulation 14.3 and the warning and record the decision and warning on the student's file;
- 14.6 If the Proctor has given the student a conditional warning and the student does not comply with the conditions, both the original misconduct and the failure to comply with the conditions may be referred for consideration as misconduct.
- 14.7 Imposition of a financial condition under regulation 14.3 shall not prevent the University or any other person from seeking compensation from the student for the costs of repair to their property.

15 Undertakings

- 15.1 At any time before a decision has been made pursuant to regulations 13.7 or 14.3, the Proctor may, having had particular regard to the guidance published by the University Secretary on undertakings, agree with the student not to proceed subject to agreed conditions, provided that:
 - 15.1.1 the student admits the misconduct; and
 - 15.1.2 the student undertakes to abide by the conditions of the agreement; and
 - 15.1.3 the Director of Student Journey and the University Secretary consent to the agreement;

- 15.2 Conditions may include, but are not limited to, a requirement to apologise, to make reparation (financial restitution or otherwise) and/or to accept behavioural measures to prevent future misconduct.
- 15.3 If the student breaches the conditions of the agreement, the University may proceed with the original misconduct (together with any subsequent misconduct) on the basis of the admission and a sanction may be imposed for all instances of misconduct (taking into account any partial compliance with the conditions of the agreement);
- 15.4 No student shall be required to conclude an agreement pursuant to regulation 15.1
- 15.5 A student shall not be subject to any detriment (other than a continuation of proceedings under these regulations) for declining to conclude an agreement pursuant to regulation 15.1 and the fact that such an agreement has been declined shall be disregarded when considering the matter.

16 Times Scales and Changes to Procedure

- 16.1 Where a matter has been deferred pursuant to regulation 5.2.2, no period of time stipulated under these regulations shall run until the police, Crown Prosecution Service and courts have dealt with the matter and the University has been notified of this;
- 16.2 Any period of time stipulated for completion of a step by the University may be extended:
 - 16.2.1 at the request of the student (including, but not limited to, a request to reschedule an interview or hearing);
 - 16.2.2 with the agreement of the student;
 - 16.2.3 with the agreement of the Head of School or the University Secretary in the event of matters outside the University's control or where the complexity of the matter so requires;
- 16.3 Any period of time stipulated for completion of a step by the student may be extended with the agreement of the Proctor or the University Secretary. Such agreement shall usually only be given the event of matters outside the student's control or where the complexity of the matter so requires.

Part 3. Appeals

17 How to Appeal

- 17.1 A student who has received a warning or a sanction pursuant to these Regulations (whether given by a Panel or by a Proctor) may appeal the decision and/or the sanction.
- 17.2 The appeal must be made in writing on the prescribed Appeal Form not more than 10 working days after the student was notified of the decision being appealed;

18 Grounds of Appeal

- 18.1 An appeal may only be made on the grounds that:
 - 18.1.1 the student was unable to respond to the allegation within the timeframes provided in these Regulations for valid reasons beyond the student's control; or
 - 18.1.2 there has been a material procedural defect, other than one for which the student is responsible, resulting in substantial unfairness to the student; or
 - 18.1.3 the evidence of alleged misconduct was insufficient to substantiate the allegation; or
 - 18.1.4 the student has new evidence that they could not reasonably have provided during the investigation and which would probably have a material influence on the outcome. Other than this, no new evidence shall be considered; or
 - 18.1.5 The sanction is manifestly disproportionate to the misconduct that was found.

19 Appeal Procedures

- 19.1 The Student Casework Office may dismiss an appeal that:
 - 19.1.1 is received late and there is no reasonable explanation why it could not be brought in time, or
 - 19.1.2 does not clearly state the grounds on which the appeal is being made; or
 - 19.1.3 does not disclose any reasonable grounds of appeal; or
 - 19.1.4 is entirely without merit.
- 19.2 Unless the appeal is dismissed pursuant to regulation 19.1, the Student Casework Office shall refer the appeal to the Vice-Chancellor or their

nominee within 10 days of receiving the student's duly completed Appeal Form.

- 19.3 The Vice-Chancellor shall consider the appeal on the basis of the written appeal papers, unless an oral hearing would assist their consideration or otherwise in the interest of fairness, in which case a hearing shall be convened. A decision on the basis of the written appeal papers or a decision to convene a hearing shall usually be made within 30 days of the Student Casework Office's receipt of the duly completed Appeal Form.
- 19.4 After reviewing the decision and the appeal the Vice-Chancellor may:
 - 19.4.1 affirm, set aside or vary any finding or decision reached;
 - 19.4.2 refer the matter, or any part of it or any decision to the Disciplinary Panel or Academic Misconduct Panel for further consideration, with any such guidance as the Vice-Chancellor thinks fit.
- 19.5 The Vice-Chancellor shall within 5 days of their decision notify the student and Student Casework Office of their decision.

Schedule 1. Misconduct

1. Non-academic misconduct includes, but is not limited to, the following:
 - 1.1. Any conduct that has resulted in conviction by a criminal court or for which a caution has been accepted.
 - 1.2. Any conduct that brings the University into disrepute;
 - 1.3. Disruption of or improper interference with the academic, administrative, sporting, social or other activities of the University;
 - 1.4. Obstruction of or improper interference with the functions, duties or activities of any student, member of staff or visitor to the University;
 - 1.5. Sexual misconduct;
 - 1.6. Violent, indecent, disorderly, threatening, or intimidating behaviour or language, including physical misconduct;
 - 1.7. Harassment of any student, member of staff or visitor, including but not limited to harassment related to one or more of the following: sex, gender reassignment, race, disability, religion or belief, marriage or civil partnership, sexual orientation, age.
 - 1.8. Victimising any student, member of staff or visitor because of anything done or not done in connection with these Regulations (including making a complaint or giving evidence);
 - 1.9. Deception, dishonesty or corruption in relation to the University, its staff, students or visitors;
 - 1.10. Misappropriation or misuse (including computer misuse) of University property, or the property of the University's staff, students or visitors;
 - 1.11. Misuse or unauthorised use of University premises;
 - 1.12. Damage to, or defacement of, University property, or to the property of the University's staff, students or visitors, whether or not caused intentionally or recklessly;
 - 1.13. Action likely to cause injury or to impair safety on University premises;
 - 1.14. Failure to respect the rights of others to freedom of belief and freedom of speech;
 - 1.15. Breach of the provisions of any University code, policy, rule or regulation, including (but not limited to) Premises Rules, Library Code, ITS Rules or the Research Code;
 - 1.16. Failure to disclose personal details, including criminal convictions, when required (whether by University policy or otherwise), to a member of staff at the earliest opportunity;

- 1.17. Failure to comply with an instruction issued by a security officer or by a member of staff;
- 1.18. Conduct or behaviour which raises questions about a student's fitness to practise, by reference to the relevant professional body's guidance, any profession for which you are studying at the University;
- 1.19. Failure to comply with a reasonable instruction of a member of staff relating to proceedings under these regulations (including, but not limited to, failing to attend an interview or hearing as a witness, without reasonable excuse);
- 1.20. Failure to comply with a sanction or condition imposed under these regulations;
- 1.21. Inducing or intimidating any person into not reporting a matter to the police or the University;
- 1.22. Inducing or intimidating any person into not giving evidence.
- 1.23. Agreeing or attempting to persuade another member of the University (student or staff) to participate in actions that would breach these Regulations.
- 1.24. Assisting, encouraging or advising another member of the University (student or staff) to participate in actions that would breach these Regulations.

Schedule 2. Non-Academic Misconduct Sanctions

In respect of non-academic misconduct a Panel may impose one or more of the following sanctions:

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| 1. A reprimand | Note that the misconduct has been committed by the student, but no further sanction will be applied. |
| 2. Conditional reprimand | This notes that the misconduct has been committed by the student, but no further sanction will be applied, provided the student complies with certain conditions. Such conditions may include a requirement to apologise, to make reparation (financial restitution or otherwise) and/or to accept behavioural measures to prevent future misconduct. If the conditions are breached, sanctions can be imposed for the original misconduct and the further misconduct. |
| 3. Suspended sanction | A sanction is imposed, but does not take effect provided that no further misconduct is committed in a period specified by the Panel. If further misconduct is committed the original sanction take effect and new proceedings can be taken for the further misconduct. |
| 4. Fine | Pay a sum of up to a maximum of £500 within a specified period. |
| 5. Compensation Requirement | Require the student to pay reasonable sum to compensate for any loss or damage sustained by the University or any other person within a specified period. The compensation shall be payable to the person who has sustained the loss. |
| 6. Apology Requirement | Require the student to apologise formally (orally or in writing) to an individual or individuals affected by the student's behaviour within a specified period. |
| 7. Unpaid work Requirement | Require the student to perform up to 40 hours unpaid work for the University community or a local community affected by the student's behaviour within a specified period. |
| 8. Restriction | Restrict the student from contacting a specified person or person; and/or Restrict the student from accessing specified facilities or premises of the University. Such a restriction shall be for a fixed period of time not exceeding 12 months. Notwithstanding the time limit for appeals, the student may ask the Director of Student Journey to review a restriction at any time while the restriction is effective on the ground that the restrictions is seriously impeding the student's academic progress. |
| 9. Academic Sanction | Failure in any item of assessment associated with the misconduct, with (where permissible under the Academic |

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| | Regulations) or without a re-assessment right. If a re-assessment right is granted this may be uncapped (where permitted by the Academic Regulations) or capped at a bare pass. |
| 10. Exclusion | Exclude the student from the University for a fixed period of time. While excluded, the student is not permitted to access the University's premises or its facilities, or to participate in its activities. |
| 11. Termination of Enrolment and/or Transfer | Termination of the student's enrolment on their current course. The student remains liable for any tuition fees that fell due for payment before termination of enrolment and the University reserves the right to take action to recover the debt. The student may be eligible to transfer to a different course at the discretion of the Panel. |
| 12. Expulsion | Expel the student from the University. The student ceases to be a member of the University and loses all rights and privileges of membership. The student remains liable for any tuition fees that fell due for payment before expulsion and the University reserves the right to take action to recover the debt. |

Schedule 3. Safeguards and Procedures

1. In respect of all interviews, hearings and decisions under these regulations:
 - 1.1. The student shall be presumed innocent of the alleged misconduct until a decision or determination has been made;
 - 1.2. An allegation of misconduct shall only be proven, if it is found that it is more likely than not that the misconduct occurred (that is, on the balance of probabilities);
 - 1.3. The person (whether the University or the student) making an allegation or stating a particular fact is responsible for proving it. There is no need to prove an allegation or a fact that has been admitted or is proven by the existence of a relevant criminal conviction;
2. In respect of any interview arranged under these regulations
 - 2.1. the student is entitled to:
 - 2.1.1. be given at least 5 days' notice of the interview;
 - 2.1.2. receive a summary of the allegation made against the student at least 3 days before the interview Attend with a Friend. The Proctor may permit the Friend to speak on behalf of the student if it would assist the investigation;
 - 2.1.3. see any documents upon which a decision may be based;
 - 2.1.4. ask questions to clarify the allegations and the facts that are being alleged;
3. In respect of any oral hearing before a Panel:
 - 3.1. The student shall be given at least 5 days' notice of the hearing, which will include a list of witnesses that the Proctor intends to call;
 - 3.2. No later than 3 days before the hearing, the student shall file with the Student Casework Office a list of witnesses whom they intend to call. It is the student's responsibility to arrange for these witnesses to attend the hearing.
4. At any oral hearing before the Panel arranged under these regulations,
 - 4.1. the student may:
 - 4.1.1. Attend the hearing. The student may attend either in person or by suitable electronic means agreed by the Chair of the Panel in which all participating in the meeting may communicate with all the other participants. The student does not need to attend the hearing and the Panel may make a decision in the student's absence, provided that the Panel is satisfied the student was informed of the date of the hearing and has not given a reasonable excuse (supported by evidence) for absence. An oral hearing will only be postponed more than once in exceptional circumstances;

- 4.1.2. Be assisted by a Friend at the hearing. The Chair of the Panel may permit the Friend to speak on behalf of the student if it would assist the running of the hearing. The student is responsible for arranging the Friend's attendance at the hearing;
- 4.1.3. See any documents relevant to the matter that the Panel has seen (whether or not the University relies on them);
- 4.1.4. Ask questions to clarify the allegations and the facts that are being alleged;
- 4.1.5. Call witnesses. The student is responsible for arranging the witnesses' attendance at the hearing. The Panel may decline to hear a witness if their evidence is not relevant;
- 4.1.6. Ask (via the Chair of the Panel) questions of witnesses or the person presenting the case against them;
- 4.1.7. Make representations to the Panel including putting forward any mitigation;

4.2. The Panel:

- 4.2.1. shall be conducted in accordance with the directions (whether given at the hearing or beforehand) of the Chair of the Panel, who may also determine the order of proceedings. Such directions may include:
 - 4.2.1.1. hearing of related allegations against two or more students at the same hearing;
 - 4.2.1.2. requiring the provision of written witness statements or summaries of the witnesses' evidence before the hearing;
 - 4.2.1.3. the manner in which any witnesses' evidence will be taken (for example, in person or by suitable electronic means)
 - 4.2.1.4. imposing time limits on submissions;
 - 4.2.1.5. adjourning the hearing to another time or place;
- 4.2.2. shall be conducted in private, except that members of staff may attend for training purposes, with the agreement of the student.
- 4.2.3. May ask questions of the student, witnesses or the person presenting the case against the student.
- 4.2.4. May take advice from the clerk, a legal advisor or other advisors.
- 4.2.5. Shall reach its decision by majority vote. In the event of a tie, the Chair of the Panel shall have a second or casting vote.
- 4.2.6. shall not be made aware of any previous misconduct by the student, except where

- 4.2.6.1. the previous misconduct is relevant to the current allegation or
- 4.2.6.2. when the Panel is considering sanctions.
- 4.2.7. shall state the reasons for the decision that it reaches, including any penalties imposed.
- 4.3. A record of the Panel meeting, and the Panel decision (including the Panel's reasons), shall be kept and shall be agreed by the Chair of the Panel and will be shared with the student.
- 4.4. The clerk to the Hearing shall notify the student of the decision of the Hearing and shall record the decision on the student's file.

General Student Regulations

Section 10 - Fitness to Study

2019-20

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1 Policy

- 1.1 London Metropolitan University is committed to maintaining and preserving the physical and psychological wellbeing of all students, and to meeting its legal duty to make reasonable adjustments to enable all students to access the University's working and learning environment.
- 1.2 The University recognises that medical, psychological, behavioural or emotional problems or a student's circumstances may affect a student's fitness to study.
- 1.3 The aim of this document is to give effect to these principles and obligations, and to provide a procedural framework through which possible concerns can be addressed.
- 1.4 These regulations enable investigation of a number of areas to be undertaken via a single process:
 - 1.4.1 Admissions (in regulation 5);
 - 1.4.2 Emergencies (in regulation 4);
 - 1.4.3 Continuing Fitness (in regulation 6); and
 - 1.4.4 Return to Studies (in regulation 7).

2 Definitions and Interpretations

- 2.1 "Fitness to study" means:
 - 2.1.1 A student's fitness to:
 - 2.1.1.1 Start a particular course of Academic Study; or
 - 2.1.1.2 Continue with their current course of Academic Study; or
 - 2.1.1.3 Return to their current course of Academic Study (or another course of Academic Study);
 - 2.1.2 A student's ability to meet:
 - 2.1.2.1 The reasonable academic requirements of the course of Academic Study; and
 - 2.1.2.2 The reasonable social and behavioural requirements of a student of the University without having an unacceptably detrimental effect on the health, safety, welfare and/or education experience of the student, other students, or members of staff.
- 2.2 "Academic Study" includes (but is not limited to), all placements and voluntary and / or compulsory trips.
- 2.3 "Suspension" means a decision that an individual student shall be excluded from the University's premises and/or use of its facilities, or part of them as a precaution.
- 2.4 "Intermission" means an authorised absence from the University and a temporary discontinuance of the student's studies.

- 2.5 Any period expressed as a period of days shall mean clear working days and shall exclude the days by which the period is calculated. For example, a document to be sent at least 2 days before a meeting shall exclude the day on which the item was sent and the day of the meeting when counting the 2 days.
- 2.6 Applicant means any person who has applied or is considering applying to study on a course at the University or a person to whom an offer (whether conditional or unconditional) of a place to study at the University has been made, whether or not that offer has been accepted.

3 General Provisions

- 3.1 Fitness to study is separate from fitness to practise.
- 3.2 The University will take into account relevant legislation such as the Data Protection Act, the Mental Health Act, the Mental Capacity Act, the Human Rights Act and the Equality Act when making decisions under these regulations.

4 Emergencies

- 4.1 Immediate Risk
- 4.1.1 Nothing in this policy and in these regulations should distract from any acute or dangerous situations where it is believed that a student's behaviour presents an immediate risk to themselves or others. In such circumstances the emergency services should be called by dialling 999. Security staff must also be notified so that emergency services can be directed to the right location.
- 4.2 Suspension
- 4.2.1 Where concerns about a student's fitness to study have been raised, a member of Senior Staff may suspend a student for a period of time if
- 4.2.1.1 they consider:
 - 4.2.1.2 It would be in the best in interest of the student; or
 - 4.2.1.3 It would be in the best in interest of another person; or
 - 4.2.1.4 Allowing the student to remain on the premises would breach the University's duty of care to the student or others; or
 - 4.2.1.5 A student refuses to cooperate with proceedings under these regulations.
- 4.2.2 Suspension means that the student shall be excluded from all University premises. The student may seek support from their Personal Academic Advisor, specific sections of Student Services, the Students' Union or caseworker, but must make an appointment. A student who has not made an appointment will not be admitted to the University's premises.

- 4.2.3 Suspension is precautionary and does not mean that any conclusions have been drawn or that a decision has been reached.
- 4.2.4 A student who has been suspended under this regulation 4.2 may:
 - 4.2.4.1 Ask the University Secretary to review the suspension. Any such request must be in writing and made not more frequently than once a month.
 - 4.2.4.2 Ask the University Secretary for temporary permission to attend the University for examinations or for submission of coursework or to seek assistance. Such request must be in writing.
- 4.3 Notifications
 - 4.3.1 Third Parties - The University may consider notifying the student's next of kin and statutory services of concerns raised under these regulations, but will consider the Data Protection Act, the Equality Act, the Mental Health Act, the Mental Capacity Act, the Human Rights Act and general rights and expectations of confidentiality before doing so.
 - 4.3.2 The Student – The University will notify the student of: the duration of the suspension, methods of review, guidance on the return to study process.

5 Admissions

- 5.1 Any person who has concerns about an Applicant's fitness to study may refer the matter for investigation. The procedure under this regulation 5 may be invoked at any time before the Applicant has enrolled.
- 5.2 Fitness to study is separate from:
 - 5.2.1 the academic requirements of the proposed course of study; or
 - 5.2.2 the professional requirements of the proposed course of study;
- 5.3 No application shall be refused and no Applicant shall be prevented from enrolling on the grounds of an Applicant's fitness to study, save in accordance with these regulations.
- 5.4 Circumstances that trigger the use of this procedure may include (but are not limited to):
 - 5.4.1 A third party (for example, a relative, friend, colleague, placement provider, member of the public, medical professional) reports concerns about the student which raises questions about their fitness to study;
 - 5.4.2 An Applicant has told a member of staff that they have a problem and/or provided information which raises questions about their fitness to study.
 - 5.4.3 Receipt of relevant information or documentation, for example, a needs assessment report or medical report.
- 5.5 To initiate an investigation, a written report should be made directly to the University Secretary, who is responsible for initiating the process in the first instance.

- 5.6 Where issues of fitness to study have been raised, the University Secretary shall approach the Applicant and explain to them, in a supportive and understanding manner, that concerns about their fitness to study have been raised.
- 5.7 The Applicant should be made aware of:
 - 5.7.1 The reasons fitness to study concerns have been raised; and
 - 5.7.2 If appropriate, the risks perceived by the University.
- 5.8 The Applicant will be asked to provide or the University may request, further evidence (that may include medical evidence) and may be asked to meet with representatives of Student Services.
- 5.9 The University Secretary will, in conjunction with a representative from Student Services, consider the concerns and all relevant issues in light of the evidence received.
- 5.10 The University Secretary may decide to:
 - 5.10.1 Take no further action;
 - 5.10.2 Apply an exceptional change to an academic programme and/or support arrangements;
 - 5.10.3 Require the Applicant to transfer to a different course;
 - 5.10.4 Withdraw the Applicant's offer of a place; and/or
 - 5.10.5 Take any other such actions that are necessary in the view of the University Secretary.
- 5.11 An Applicant may ask the University Secretary to review their decision in light of new evidence the Applicant wishes to have considered. The University Secretary may reject a request for a review if no new evidence is provided with the request.
- 5.12 The University Secretary's decision is final.

6 Continuing Fitness

- 6.1 Concerns
 - 6.1.1 Any person who has concerns about a student's fitness to study may refer the matter for investigation. The procedure may be invoked at any time during the student's programme of study.
 - 6.1.2 Circumstances that trigger the use of this procedure may include (but are not limited to the following. Where this is not clear, staff are advised to seek guidance from the appropriate section of Student Services):
 - 6.1.2.1 A third party (for example, a relative, guardian, friend, colleague, placement provider, member of the public, medical professional) reports concerns about the student which raises questions about their fitness to study.

- 6.1.2.2 The student has told a member of staff that they have a problem and/or provided information which raises questions about their fitness to study.
 - 6.1.2.3 The student has provided information as part of an application for mitigating circumstances or intermission which raises questions about their fitness to study.
 - 6.1.2.4 The student's manner indicates that there may be a condition which is having an adverse impact on their health (for example, if they have severe moods swings, shown signs of severe depression, or become withdrawn).
 - 6.1.2.5 The student exhibits behaviour, which would otherwise be dealt with as misconduct, but which may be the result of an underlying physical or mental health condition.
 - 6.1.2.6 The student's academic performance or physical behaviour is not acceptable and this is thought to be the result of an underlying physical or mental health condition.
- 6.1.3 To initiate an investigation, a written report should be made directly to the School Nominee, who is responsible for initiating the process in the first instance and for deciding if the issue should be addressed through the 'Exploratory Interview' or the 'Fitness To Study Panel'. Where; in an emergency; this report is made orally, it should be followed as soon as possible by a written report.
- 6.2 Exploratory Interview
- 6.2.1 Where issues of fitness to study have been raised, the School Nominee should approach the student and explain to them, in a supportive and understanding manner, that concerns about their fitness to study have been raised.
- 6.2.2 The student should be made aware of:
- 6.2.2.1 The nature of the behaviour that has caused fitness to study concerns to be raised; and
 - 6.2.2.2 If appropriate, the risks perceived by the University.
- 6.2.3 The student should be invited to a meeting with the School Nominee and a representative from Student Services. The meeting is led by the School Nominee with Student Services acting in a supportive / advisory role. The role of the Student Services representative is to help facilitate discussion, give guidance on the support available, provide relevant information and to facilitate later assessment (if deemed necessary).
- 6.2.4 At the meeting the School Nominee, with the representative from Student Services, should:
- 6.2.4.1 Make the student aware of the nature of the concerns that have been raised;
 - 6.2.4.2 Hear and consider the student's views; and

- 6.2.4.3 Explore with the student any explanations for the behaviour that has caused fitness to study concerns to be raised;
- 6.2.5 At or shortly after the meeting the School Nominee, guided by the representative from Student Services, should make written Recommendations and invite the student to agree to the Recommendations.
- 6.2.6 The Recommendations may include:
 - 6.2.6.1 No further action;
 - 6.2.6.2 Altering the student's mode of attendance (full time or part time)
 - 6.2.6.3 An exceptional change to a programme of study (subject to the consent of the Director of Student Journey) and / or special support arrangements;
 - 6.2.6.4 postponing part of the student course (for example, a placement);
 - 6.2.6.5 Transferring to a different course; and/or
 - 6.2.6.6 To intermit the student's studies for a fixed period or indefinitely.
 - 6.2.6.7 A request for additional information to be provided for consideration.
- 6.2.7 The Recommendations must (unless no further action is recommended) include a review meeting to discuss the steps taken by the student and whether the concerns regarding fitness to study have been addressed. The period for the review meeting should be determined as part of the Recommendations.
- 6.2.8 The student may agree to or reject the Recommendations;
- 6.2.9 If the student accepts the Recommendations, the School Nominee shall:
 - 6.2.9.1 Notify the University Secretary of the agreed Recommendations; and
 - 6.2.9.2 Make the necessary arrangement to put the Recommendations into effect;
 - 6.2.9.3 ensure the student is aware of the academic consequences (including any time limits, such as the maximum period of registration, if applicable).
- 6.2.10 If the student rejects or does not accept the Recommendations, the School Nominee shall:
 - 6.2.10.1 Ask the student to provide any reasons for rejecting the Recommendations in writing.
 - 6.2.10.2 Refer the matter to the University Secretary to be considered by the Fitness to Study Panel. The referral must include details of nature of the concerns that have been raised, the Recommendations, the fact the Recommendations have been rejected and any reasons given by the student for rejecting the Recommendations;
- 6.2.11 If a student accepts the Recommendations, but despite the measure put in place there are still concerns about a student's fitness to study, the School Nominee shall

refer the matter to the University Secretary to be considered by the Fitness to Study Panel.

6.3 Fitness to Study Panel

- 6.3.1 If the Recommendations have not been successful, or the student does not agree to the Recommendations, or the matter is too serious to be dealt with under regulation 6.2 (Exploratory Interview), the matter shall be referred to the Fitness to Study Panel.

The Fitness to Study Panel shall be appointed by the University Secretary and shall consist of at least two members of staff, including at least one representative from Student Services, and.

- 6.3.2 The University Secretary shall designate a member of the Panel to act as Chair of the Panel.

- 6.3.3 The University Secretary shall appoint a clerk to Panel and; may if necessary invite such specialist advisors as they consider would be helpful to attend meetings of the Panel.

- 6.3.4 The student shall be invited to attend a meeting of the Panel to discuss the concerns and all relevant issues. The student will, wherever possible, be given at least 5 days' notice of the meeting. The student shall be entitled to be accompanied by a Friend and may also opt to submit his/her information in writing.

- 6.3.5 The student will be provided with copies of any documents to be considered at the meeting and will be asked to provide copies of any documents they wish the Panel to consider at least 2 days before the meeting.

- 6.3.6 The Panel and its meetings shall be conducted in accordance with the directions of the Chair of Panel (whether given at a meeting of the Panel or beforehand).

- 6.3.7 The Panel may call witnesses, institute enquiries, and/or request further medical evidence to assist its deliberations and may adjourn its meetings to another time or place.

- 6.3.8 The Panel shall endeavour to reach consensus, but in the event that no consensus is reached the Chair of Panel shall make the decision of the Panel having considered the views and advice of the other Panel members.

- 6.3.9 The Panel may decide to;

- 6.3.9.1 Take no further action;
- 6.3.9.2 Alter the student's mode of attendance (full time or part time)
- 6.3.9.3 Apply special academic and /or support arrangements;
- 6.3.9.4 postpone part of the student's course (for example, a placement);
- 6.3.9.5 Require the Student to transfer to a different course;
- 6.3.9.6 Intermit the Student's studies for a fixed period or indefinitely;
- 6.3.9.7 Terminate the Student's registration at the University; and/or
- 6.3.9.8 Take any other such actions that are necessary in the view of the Panel.

- 6.4 Review
 - 6.4.1 The Panel may at its discretion reconsider its decision in light of any representations the student makes regarding its decision.
 - 6.4.2 A student may ask for a decision to intermit his/her studies or to terminate his/her registration to be reviewed by the Vice-Chancellor.
 - 6.4.3 The request for a review must be made in writing within 10 working days of the date the student was notified of the decision. It must be supported by evidence and sent to the Student Casework Office;
 - 6.4.4 The Student Casework Office may dismiss a request for a review that:
 - 6.4.4.1 is received late and there is no reasonable explanation why it could not be brought in time, or
 - 6.4.4.2 does not clearly state the grounds on which the request is being made; or
 - 6.4.4.3 does not disclose any reasonable grounds for reviewing the decision; or
 - 6.4.4.4 is entirely without merit.
 - 6.4.5 Unless the request for a review is dismissed pursuant to regulation 16.4, the Vice-Chancellor shall consider the request for a review on the basis of the written papers, unless it would assist his/her consideration or otherwise be in the interest of fairness, in which case a hearing shall be convened.
 - 6.4.6 After reviewing the decision of the Panel the Vice-Chancellor may:
 - 6.4.6.1 affirm, set aside or vary any decision reached;
 - 6.4.6.2 refer the matter, or any part of it or any decision to the Panel for further consideration.
 - 6.4.7 The Vice-Chancellor's decision is final.

7 Return to Studies

- 7.1 After an intermission of studies or other period of absence from the University for reasons of ill health, behaviour, recuperation or treatment (whether such an intermission or period of absence came about under this policy or not), a student may wish to return to study (whether to their current course or to another course of study);
- 7.2 The University will only permit a student to return to study if it is satisfied that the student is fit to study;
- 7.3 The decision to permit a student to return to study will be made by the University Secretary having taken advice from Student Services;
- 7.4 The student should provide or the University Secretary may request, confirmation of their ability to resume their studies, which may include medical evidence;
- 7.5 Student Services may be asked to review evidence or to draft questions which form the basis for a request for evidence

- 7.6 The University Secretary may permit a student to return to study only under certain conditions. The conditions may include (but are not limited to) provisions relating to:
- 7.6.1 Mode of attendance (full time or part time);
 - 7.6.2 Compliance with a continuing treatment regimen (for example, medication);
 - 7.6.3 Regular review meetings (for part or all of the students remaining time at the University); and/or
 - 7.6.4 Academic Probation.
- 7.7 A student permitted to return to study under conditions must comply with the conditions. Failure to comply with the conditions may give rise to concerns about the student's fitness to study or be considered a disciplinary matter and may cause the student to be suspended under these regulations or under the Disciplinary Regulations.

General Student Regulations

Section 11 - Intellectual Property and Research Conduct

2019-20

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1 Intellectual Property

- 1.1 Subject to any specific agreements (including, but not limited to, research contracts, studentship and funding agreements), ownership and other matters relating to intellectual property created developed by students during their study at the University shall be governed by the University's Intellectual Property Policy published from time to time by the University Secretary.
- 1.2 Where the University's Intellectual Property Policy is amended or replaced, the version in force at the commencement of the relevant project or course shall govern ownership and other matters relating to intellectual property, subject to any specific agreement.
- 1.3 Notwithstanding the provisions of the University's Intellectual Property Policy, where student created intellectual property does not vest in the University, each student grants to the University an irrevocable, royalty-free, worldwide licence to use and sub-licence any intellectual property the student creates in the course of their programme of studies (including, but not limited to, exams scripts, essays, dissertations, theses, coursework assignments), or relating to their registration as a student for non-commercial administrative, promotional, educational, quality control, examination and teaching purposes including but not limited to scanning and storage of electronic copies of students' work.

2 Research

- 2.1 The Research Ethics Sub-Committee may publish codes of conduct, rules and/or policies relating to research projects and related activities as part of undergraduate, postgraduate or short course taught, research programmes or other research activity (referred to in these regulations as the "Research Code").
- 2.2 The Research Code may include (but is not limited to) provisions relating to:
 - 2.2.1 research ethics policy and procedures;
 - 2.2.2 proper conduct of research, and the standards expected; and
 - 2.2.3 governance of research.
- 2.3 The Research Ethics Sub-Committee shall take reasonable steps to ensure that the Research Code, as amended from time to time, is brought to the notice of all persons conducting research within or on behalf of the University.
- 2.4 All employees, students and visiting researchers of the University, including persons holding honorary University appointments, conducting research within, or on behalf of, the University must comply with these regulations, the Research Code and any reasonable direction (whether given generally or specifically) given by the Research Ethics Sub-Committee or their nominee regarding the conduct of research.
- 2.5 Any infringement or attempted infringement of this regulation 2 or any rules or policies adopted pursuant to or published in accordance with these regulations shall be considered misconduct under the relevant disciplinary procedures of the University (for example, the Student Conduct regulations), unless otherwise dealt with by any such rules or policies.

General Student Regulations

Section 12 - Student Records

2019-20

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1. Accuracy of Records

- 1.1. To prevent fraud, all students must be registered using the name on their passport, birth certificate, or marriage certificate.
- 1.2. Students must provide the University with the address at which they will usually reside while studying at the University (their term-time address).
- 1.3. Students must advise the University of any changes to their contact details including home and term-time addresses, email addresses, and telephone numbers at the earliest opportunity.

2. Changes of Name

- 2.1. A student or Alum has the right to change their name provided such change is not intended to deceive or defraud any other person.
- 2.2. The University shall only change a student or Alum's name in its records on receipt of a written request sent to the Director of Student Journey that is accompanied by appropriate evidence of the change of name. The Director of Student Journey may publish guidance on forms of appropriate evidence.
- 2.3. Change of name in the University's records shall not affect any certificates or transcripts already issued and the University will not re-issue certificates in a name other than the name under which a student was awarded save as provided for in regulation 2.4
- 2.4. The University will only change the name on a degree certificate retrospectively (that is, by issuing a further certificate in a different name) in cases where:
 - 2.4.1. there was an error on the certificate at the time it was issued;
 - 2.4.2. the change of name is associated with gender transition, where the Alum affirms a different gender identity and requests a re-issued certificate in the new name;
 - 2.4.3. the change of name relates to the personal security of the Alum (such as victim or witness protection), where the Alum has changed their identity and the police or security services recommend that the change includes the individual's qualifications.

In such cases the request to re-issue the certificate must be in writing and sent to the Director of Student Journey, accompanied by appropriate evidence relating the new name and circumstances of the change and the original degree certificate (or a statutory declaration stating that the original certificate is no longer in the requester's possession and that they have carried out a diligent search for it and they are unable to recover it, together with a written undertaking to return the original degree certificate to the University if it should be found subsequently).

General Student Regulations

Section 13 - Health and Safety, Liability and Miscellaneous Regulations

2019-20

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1. Health and Safety

- 1.1. All students, prospective students, staff and others on University premises shall at all times;
 - 1.1.1. take reasonable care of their health and safety and of other persons who may be affected by their acts or omissions;
 - 1.1.2. co-operate with all members of the University staff in maintaining the requirements of the Health and Safety at Work Act 1974; and
 - 1.1.3. not intentionally or recklessly interfere with, or misuse anything provided in the interests of health, safety or welfare in the University
- 1.2. Additional policies, rules and provisions relating to health and safety matters shall be published from time to time by the Vice Chancellor or their nominee (referred to in these regulations as the "Health and Safety Policies")
- 1.3. The Head of Health and Safety shall take reasonable steps to ensure that the Health and Safety Policies, as amended from time to time, are brought to the notice of all students, prospective students, staff and others on University premises.
- 1.4. All students, prospective students, staff and others on University premises must comply with these regulations, the Health and Safety Policies and any reasonable direction (whether given generally or specifically) given by the Head of Health and Safety or their nominees regarding health and safety related matters.

2. Liability

- 2.1. This regulation limits the legal liability of the University or its officers, employees or agents to students in certain circumstances;
- 2.2. Nothing in these General Student Regulations (including this regulation) or the Academic Regulations shall limit or in any way restrict any liability:
 - 2.2.1. For death or personal injury caused by the University's negligence or the negligence of the University's employees, agents or contractors;
 - 2.2.2. For fraud or fraudulent misrepresentation;
 - 2.2.3. For breach of the terms implied by the Supply of Goods and Services Act 1982
 - 2.2.4. For defective products under the Consumer Protection Act 1997;
 - 2.2.5. For unlawful discrimination arising under the Equality Act 2010;
 - 2.2.6. Arising under the Protection from Harassment Act 1997
- 2.3. The University (and its officers, employees or agents)'s liability for distress or anxiety (falling short of personal injury) is limited to a maximum of £750 but this limit shall not apply to distress or anxiety caused by any unlawful discrimination;
- 2.4. Where a student:
 - 2.4.1. Is enrolled on a course that leads to professional registration which entitles that student to practise that profession without a further period of study or training;or

- 2.4.2. Has given written notice that they hold a firm offer of a job that requires them to complete the course (including the starting pay of the job) to the University Secretary prior to enrolling on the course;

the University (and its officers, employees or agents)'s liability for loss of earnings shall be limited to one year's loss of earnings. If a student is not registered on such a course or has not given such written notification, the University shall not be liable for any loss of earnings or loss of profit.

- 2.5. The University (and its officers, employees or agents) shall not be liable for:

- 2.5.1. Any loss that a student would not have suffered if they had taken reasonable steps to avoid or reduce the loss;

- 2.5.2. Any loss arising from a breach of any procedural requirement or step required by any policy, procedure or regulation (including these regulations), if such loss would have arisen in any event had the procedural requirements been met or the procedural steps been followed;

- 2.5.3. Any loss or damage to students' personal property, including, but not limited to, the transfer of computer viruses to your equipment;

- 2.5.4. Indirect or consequential loss other than as provided for by regulation 2.4 above.

- 2.5.5. Any loss of academic work after it has been submitted unless the student has kept a backup or a detailed photographic record if it is not possible to keep a backup (for example of original artwork). In any event the University's liability for any loss of academic work once it has been submitted for assessment shall be limited to the cost of materials and if the academic work had not been assessed, an appropriate reassessment opportunity.

- 2.6. Where the University is liable for the acts or omissions of its officers, employees or agents, no individual officer, employee or agent shall have personal liability to a student in respect of those acts, other than for fraud, bribery or for negligence which results in death or personal injury.

- 2.7. Neither party shall be liable to the other for any loss arising from matters outside the party's control which could not have been foreseen or prevented even if the party had taken reasonable care. This includes (but is not limited to), strikes, industrial action (within the University or at third parties), staff illness, under or over demand from students, severe weather, fire, civil commotion, riot, invasion, terrorist attack or threat of terrorist attack, war (whether declared or not), natural disaster, restrictions imposed by government or public authorities, epidemic or pandemic of disease, or failure of public utilities or transport systems.

3. Miscellaneous

- 3.1. Severability

- 3.1.1. If any provision of the regulations or other document governing the relationship between the University and a student is or becomes void, illegal, invalid or unenforceable, that shall not affect the legality, validity or enforceability of the other provisions

- 3.2. Assignment
 - 3.2.1. Students are prohibited from assigning or transferring their registration or any of the rights and obligations arising from it to a third party
- 3.3. Third parties;
 - 3.3.1. Any officer, employee, or agent of the University may enforce regulation 2;
 - 3.3.2. Save as provided for by regulation 3.3.1 neither party intends that any of these regulations will be enforceable by any third party, by virtue of the Contracts (Rights of Third Parties) Act 1999
- 3.4. Notices
 - 3.4.1. Any notice given under these General Student Regulations will be in writing.
 - 3.4.2. The University will send any notice to a student either to their term-time or home address as appropriate and/or by email, to their University email address.
 - 3.4.3. Notice to the University should be sent by first class letter addressed to the University Secretary at London Metropolitan University, 166-220 Holloway Road, London N7 8DB or such other address as may be notified to students from time to time.
 - 3.4.4. Notice shall be properly served when delivered by hand or 48 hours after being posted if sent by pre-paid first class post or by email.
- 3.5. Waiver
 - 3.5.1. Failure to enforce any of the provisions of the regulations or other document governing the relationship between the University and a student (including enforcing any sums due) will not constitute a waiver of any provision and will not affect the University's right to enforce that or any other provision
- 3.6. Entire agreement
 - 3.6.1. These General Student Regulations, the Academic Regulations and the documents they refer to override any other communication, document or representation made by or on behalf of the University, either in writing or orally.
 - 3.6.2. These General Student Regulations, the Academic Regulations and the documents they refer to are the entire understanding between a student and the University about their course and replace any other undertakings or representations.
- 3.7. English law and jurisdiction
 - 3.7.1. The relationship between a student and the University shall be governed by the laws of England and Wales and both parties agree to submit to the jurisdiction of the Courts of England and Wales.