

# London Metropolitan University

# General Student Regulations

*2016-17*

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London Metropolitan University

# General Student Regulations

## *Section 1 - Application, Interpretation and Transitional Provisions*

*2016-17*

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## **1 Application**

- 1.1 These General Student Regulations apply to all students registered or enrolled at the University, save as provided for by regulations 1.2 and 3 below
- 1.2 Section 2, Student Status - Offers, Registration, Enrolment, Termination, Break of Studies of these General Student Regulations shall only apply to Postgraduate Research Students to the extent that a matter or process is not covered by Section 5 of the Academic Regulations. All other sections of these General Student Regulations apply to Postgraduate Research Students.
- 1.3 The Academic Board (or the Chair/Deputy Chair acting on its behalf) may consider requests for the suspension of these General Student Regulations in a particular case. Applications for suspension of these General Student Regulations should be made through the University Secretary.
- 1.4 Where more than one process is underway, whether under these General Student Regulations, the Academic Regulations or Course Specific Regulations, the University Secretary may direct that one or more processes be suspended pending the determination of another process.

## **2 Interpretation**

- 2.1 In these General Student Regulations, unless the context indicates otherwise:
  - 2.1.1 words expressed in any gender include any other gender;
  - 2.1.2 words expressed in the singular include the plural and words expressed in the plural include the singular;
  - 2.1.3 references to any regulation, sub-regulation, schedule, appendix or paragraph without further designation will be construed as references to the regulation, sub-regulation, schedule, appendix or paragraph so numbered in the same section of these General Student Regulations in which the reference is found;
  - 2.1.4 words and phrases which are generally defined for the purposes of the Academic Regulations shall, subject to any definitions set out in these General Student Regulations and unless the context requires otherwise, bear the same meanings in these General Student Regulations;
- 2.2 In these General Student Regulations any acts or decisions that would normally require the authority of a board, committee, sub-committee or other multi-member body, but for reasons of urgency or fairness to the student need to be made between meetings of the relevant body, may be made by the Chair of the relevant body (by Chair's Action) and reported to the relevant body. The power to act or decide a matter by way of Chair's Action may be restricted by prior resolution of the relevant body. Any act or decision taken by Chair's Action shall have the same effect and validity as a decision of the relevant body.
- 2.3 In these General Student Regulations:

- 2.3.1 reference to any named officer shall include their deputy or any nominee appointed by the named officer for the purposes set out in these Regulations generally or for a specific matter; and
- 2.3.2 If the title of a post, office, committee, sub-committee or board in the University changes, this shall not invalidate the powers of the post-holder, officer, committee, sub-committee or board named in these General Student Regulations. The post-holder, officer, committee, sub-committee or board, under the amended title, or their successor or an equivalent post-holder, officer, committee, sub-committee or board shall have the same powers.
- 2.3.3 In the event that a post, office, committee, sub-committee or board having responsibilities under these General Regulations is deleted or disbanded, the University Secretary may by notice on the University's website substitute an alternative post, office, committee, sub-committee or board.

### **3 Transitional Provisions**

#### Continuing Students

- 3.1 Where a matter pre-dates the adoption of the current version of these General Regulations, but no process has started before current version of these General Student Regulations came into force, the University Secretary may agree that the matter can be dealt with under the previous regulations where it would be in the interests of fairness to do so.

#### Continuing Processes

- 3.2 Any process, such as processes under the disciplinary regulations or complaints procedure, already underway when the current version of these General Student Regulations came into force shall continue to be dealt with in accordance with the policies and regulations in force at the time the process was started.

### **4 Modification of Procedures**

- 4.1 Reasonable adjustments will be made to any procedure prescribed by these General Regulations so that a disabled student is not substantially disadvantaged by the procedure.
- 4.2 In the interest of fairness in a particular case, the University Secretary may
  - 4.2.1 substitute any person of suitable seniority in the University for any person otherwise entitled or required to act under these General Regulations; and/or
  - 4.2.2 alter the procedures prescribed by any of these General Regulations;provided that the substitution or alteration is not to the material detriment of the student.

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# General Student Regulations

*Section 2 - Student Status - Offers, Registration, Enrolment, Termination, Break of Studies*

*2016-17*

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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](mailto: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. 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 Director of Finance 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. 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'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).
- 3.3 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.
- 3.4 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.
- 3.5 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.
- 3.6 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 (intermitted/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;
    - Academic misconduct;
  - 4.1.5.2 these General Regulations, in particular (but not limited to):
    - Section 5 – Criminal Convictions Regulations;
    - Section 6 – Fees Regulations;
    - Section 9- Disciplinary Regulations;
- 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 Academic Registry 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 4.1.10 , they may make representations in respect of or appeal in against the termination
- 4.3.1 Where termination was in respect of Student Academic Misconduct (that is pursuant to Section 10.5 of the Academic Regulations) in accordance with Section 10.5 of the Academic Regulations;
  - 4.3.2 Where termination was in respect of non-academic Misconduct (that is misconduct specified in section 9 - the Disciplinary Regulations) in accordance with that section;
  - 4.3.3 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
  - 4.3.4 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).

## **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 4 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.

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# General Student Regulations

## *Section 3 - International Students*

*2016-17*

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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, is withdrawn, suspended or intermits the University is legally obliged to report them to

the Home Office for non-attendance 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.

# London Metropolitan University

# General Student Regulations

## *Section 4 - Post-Enrolment Obligations 2016-17*

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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; and
  - 2.1.6 be aware of the Student Complaints Regulations and Student Disciplinary 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 request an authorised absence. Such a request will be considered by the student's Personal Academic Tutor and if the student is an International Student, the Visa Compliance Team. No authorised absence may exceed 3 weeks. If a student cannot attend for a period of more than 3 weeks a break in studies may be requested in accordance with Section 2 regulation 6 of the General Student Regulations.
- 3.3 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 pursuant to section 2 regulation 4.1.4 of the General Student Regulations;

- 3.4 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.

# London Metropolitan University

# General Student Regulations

## *Section 5 - Criminal Convictions*

*2016-17*

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## 1 Policy Statement

This paragraph 1 is a statement of policy and is not intended to have binding effect.

- 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;
  - 1.1.5 may apply for a course that has professional body accreditation or involves certain regulated activities, which requires a [Enhanced] Disclosure and Barring Service (DBS) check and therefore the disclosure of spent and unspent criminal convictions that are not eligible for filtering.
- 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 - students and staff. The University aims to support those with criminal convictions and disclosure of a conviction does not automatically result in the withdrawal of an offer or the termination of registration.
- 1.3 For a number of professionally accredited courses, whether or not they require a DBS check associated with placements or other activities, the standard of good conduct expected of students may be higher than those of other, non-accredited courses. Consequently, the University may impose stricter criteria both for admission and for remaining on such courses.
- 1.4 The University expects and requires its applicants and students to be honest, open and to disclose their status with regard to criminal convictions appropriately and in accordance with this Policy. Any failure to disclose this status to the University will, of itself, be regarded as a serious breach of trust and honesty and is likely lead to summary exclusion from the institution, regardless of the nature of the actual conviction.
- 1.5 In relation to all aspects of these regulations, the key points the University will consider when making a judgement are set out below:
  - 1.5.1 the seriousness of any offence or other matter revealed;
  - 1.5.2 the length of time since the offence or other matter occurred;
  - 1.5.3 whether the individual has a pattern of offending behaviour or other relevant matters;
  - 1.5.4 whether the individual's circumstances have changed since the offending behaviour or other relevant matters occurred;
  - 1.5.5 the circumstances surrounding the offence and the explanation(s) offered by the convicted person;

- 1.5.6 whether the course of study has any professional accreditation or registration which would limit or prescribe or exclude the recruitment of students with an offending history; and
- 1.5.7 if related to a Relevant Placement, whether the conviction or other matter revealed is relevant to that placement.

## **2 Applicants who have an unspent criminal conviction**

### **2.1 Disclosure prior to offer or admission**

- 2.1.1 In accordance with the Rehabilitation of Offenders Act 1974, applicants who have a spent criminal conviction(s) and who are applying for courses which do not involve a Relevant Placement or Relevant Activities are not required to disclose the spent convictions.
- 2.1.2 Applicants who have an unspent criminal conviction(s), must disclose these in accordance with these regulations at the earliest stage and before an offer is made of a place on a course.
- 2.1.3 When an applicant has an unspent conviction 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 determine whether not to reject the applicant or to recommend that the applicant be made an offer or, if an offer-holder, be permitted to register as a student.
- 2.1.4 If the Head of School and the course leader determine to reject the applicant/offer-holder this will be at their absolute discretion and not subject to any right of appeal.
- 2.1.5 If they wish to recommend that the applicant be made an offer or the offer-holder be permitted to register as a student, the Head of School will refer the matter to the University Secretary for a final decision. The decision of the University Secretary is final and there is no right of appeal.

### **2.2 Failure to disclose**

- 2.2.1 All offers of a place on any course at the University are conditional upon the:
  - 2.2.1.1 the applicant disclosing all unspent criminal convictions in accordance with these regulations; and
  - 2.2.1.2 the applicant complying with these regulations.
- 2.2.2 Any failure to disclose an unspent criminal conviction, before an offer of a place is made or at any time after, will be regarded as a serious act of misrepresentation and an attempt to deceive or mislead the University.
- 2.2.3 Where an offer-holder or student has failed to disclose an unspent criminal conviction, or has otherwise failed to comply with these regulations, the University Secretary may withdraw their offer or terminate their registration. No refund of fees paid will be given in the event of termination.

2.2.4 A failure to disclose a previous conviction may also amount to a criminal offence and the University may report this to the Police.

### **3 Applicants who have a spent criminal conviction applying to Relevant Courses &c**

#### **3.1 Disclosure prior to offer or admission**

3.1.1 Relevant Courses are those which have particular professional body accreditations or involve a Relevant Placement and are exempt from the Rehabilitation of Offenders Act 1974. Relevant Courses include (but are not limited to) Social Work, Dietetics, Teacher Training courses and other courses that involve working with children.

3.1.2 In accordance with the Rehabilitation of Offenders Act 1974, applicants who have an unspent criminal conviction(s) that are eligible for filtering are not required to disclose those convictions that are eligible for filtering.

3.1.3 Applicants who apply to the University to study Relevant Courses who have a spent criminal conviction(s) that is not eligible for filtering are required to disclose all unspent and 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.

3.1.4 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 determine whether not to reject the applicant or to recommend that the applicant be made an offer or, if an offer-holder, be permitted to register as a student.

3.1.5 If the Head of School and the course leader determine to reject the applicant/offer-holder this will be at their absolute discretion and not subject to any right of appeal.

3.1.6 If they wish to recommend that the applicant be made an offer or the offer-holder be permitted to register as a student, the Head of School will refer the matter to the University Secretary for a final decision. The decision of the University Secretary is final and there is no right of appeal.

#### **3.2 Failure to disclose**

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

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

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

3.2.1.3 the applicant complying with these regulations.

- 3.2.2 If a student fails to disclose any spent or unspent criminal conviction(s) that was 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.
- 3.2.3 Where a student fails to disclose an unspent conviction or spent criminal conviction that was not eligible for filtering, or has otherwise failed to comply with these regulations, the University Secretary may withdraw the offer or terminate their registration on the basis that these conditions have not been fulfilled. There be no refund of any fees already paid.
- 3.2.4 A failure to disclose a previous conviction may also amount to a criminal offence and the University may report this to the Police

#### **4 Students participating in a course which is a Relevant Course and/or involves a Relevant Placement**

- 4.1 For the avoidance of doubt the University will apply for the relevant DBS disclosure for students who have enrolled on any course that is a Relevant Course and/or involves a Relevant Placement, whether those placements are mainly supervised or unsupervised.
- 4.2 It is a condition of continuing on these courses that students consent to the University applying for the relevant DBS check. Continued study on courses covered by this Policy is conditional upon the University Secretary being satisfied with the following:
  - 4.2.1 the DBS disclosure;
  - 4.2.2 that a student is not barred from working with children and/or vulnerable groups or in a regulated activity; and
  - 4.2.3 such other checks that the University or a placement provider is required to complete or undertake from time to time.
- 4.3 The University will normally apply for a DBS disclosure prior to an individual undertaking a Relevant Placement. The disclosure must have been reviewed and be deemed satisfactory by the University and the placement provider before the placement can begin.
- 4.4 Students must show their DBS disclosure to University staff when it is received by the student.
- 4.5 Students must consent to the University making a copy of the DBS disclosure, which it will store in accordance with the Data Protection Act 1998.
- 4.6 Students must retain their DBS disclosure for the duration of the course and must make it available to placement providers if requested by the University Secretary, University Secretary or the placement provider.
- 4.7 Students are advised, but not obliged, to subscribe to the DBS Update Service.
- 4.8 Students who subscribe to the Update Service must consent to status checks. The University would consider the refusal to consent to status checks as failure to disclose.

- 4.9 If a further DBS check is required for a student who has not subscribed to the DBS Update Service the student must meet the full cost of the additional check.
- 4.10 Students will not ordinarily be required to provide or apply for a further DBS disclosure during the course unless
  - 4.10.1 a DBS status check reveals a change; or
  - 4.10.2 a status check is required and the student has not subscribed to the DBS Update Service.
- 4.11 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.
- 4.12 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.
- 4.13 If an individual wishes to dispute any information contained in a disclosure, they can do so by contacting the DBS directly.

## **5 Students who commit criminal offences or are involved in other pertinent matters during their study**

- 5.1 All students are under a continuing duty to immediately notify their personal tutor or Head of Department:
  - 5.1.1 if they are charged or convicted of any criminal offence; or
  - 5.1.2 if they receive a police caution, reprimand or warning.
- 5.2 The personal tutor or Head of Department shall in turn inform the Head of School.
- 5.3 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.
- 5.4 The University Secretary will determine what action shall be taken including whether matter is misconduct under the Student Disciplinary Regulations.
- 5.5 In addition to the obligations under regulation 5.1 above, a student enrolled on a course which has professional body accreditation and/or is a Relevant Course and/or involves a Relevant Placement, must also immediately notify their personal tutor or Head of Department:
  - 5.5.1 if there is a formal child protection investigation of the student or any member of their household or,
  - 5.5.2 if they are barred from working with children or vulnerable groups or in a regulated activity or;
  - 5.5.3 if they are the subject of a referral to the DBS;
- 5.6 The personal tutor or Head of Department shall in turn inform the Head of School.

- 5.7 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.
- 5.8 The University Secretary will then determine what action shall be taken. including whether matter is misconduct under the Student Disciplinary Regulations and/or whether any action should be taken under the relevant Course Specific Regulations (for example, Fitness to Practise)

# London Metropolitan University

# General Student Regulations

## *Section 6 - Fees*

### *2016-17*

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## **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 students already registered as at the time of the proposed change will be limited to the greater of the annual change in the Retail Price Index or 5% per annum.

## **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 Director of Finance, Director of Student Journey or University Secretary may agree a refund or partial refund of fees or deposits paid on withdrawal from 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 students who enrolled in the Autumn Term where they 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 students who enrolled in the Spring Term where they 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 taught students then any refund calculated pro rata based on a 7 month year from the scheduled start of teaching (that is 100% of the fees will be retained and no refund given 7 months after the scheduled start of the course), subject to retention of minimum charges and fees set out in regulation 4.4.
- 4.9 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.
- 4.10 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 and can submit coursework by post, but 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.

London Metropolitan University

# General Student Regulations

## *Section 7 - Use of Premises and Resources*

*2016-17*

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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 (“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 Director of Library Services and Special Collections may from time to time approve;
  - 2.1.4 individuals who have the written permission of the Director of Library Services and Special Collections.
- 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 Head of Library Services (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 Head of Library Services 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 Head of Library Services 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 (“ISS 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 ISS Facilities for any other purpose. However, the Director of Information Systems and Services may publish a policy permitting reasonable personal use, subject to any conditions they consider appropriate.
- 3.2 The Director of Information Systems and Services may publish additional rules and/or policies relating to the use of ISS Facilities (referred to in these regulations as the “ISS Rules”).
- 3.3 The ISS Rules may include (but are not limited to) provisions relating to:
  - 3.3.1 General conditions of use and expected behaviour when using ISS Facilities;
  - 3.3.2 processes, protocols and conditions for certain types of use of ISS Facilities; and
  - 3.3.3 monitoring the use of ISS Facilities.
- 3.4 The Director of Information Systems and Services shall take reasonable steps to ensure that the ISS Rules, as amended from time to time, are brought to the notice of all users of ISS Facilities.
- 3.5 All persons using ISS Facilities must comply with these regulations, the ISS Rules and any reasonable direction (whether given generally or specifically) given by the Director of Information Systems and Services or their nominees regarding the use of ISS 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.

# London Metropolitan University

# General Student Regulations

## *Section 8 - Student Complaints*

*2016-17*

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## **1 Purpose**

- 1.1 The University is an adult learning environment, and accordingly students and staff are expected to treat each other responsibly and attempt to resolve any issues between them by discussion rather than resorting to formal procedures; however, the University recognises that sometimes such informal mechanisms are inappropriate or ineffective.
- 1.2 The purpose of these regulations is to enable issues of dissatisfaction to be addressed through a clear process which identifies a member of staff responsible for dealing with and resolving complaints.
- 1.3 No person shall be treated badly by the University because they have complained or assisted anyone else's complaint.

## **2 Complaint**

- 2.1 A complaint is a formal expression of dissatisfaction with any alleged act or omission of the University by a student, former student, applicant or other user of the University's services.
- 2.2 Under these regulations the University will not consider:
  - 2.2.1 a challenge to a decision of an Assessment board or a challenge to another exercise of academic judgment that has been reached by due process. Challenges to decisions of Assessment Boards should be made by way of an appeal. Where only part of a complaint challenges the decision of an Assessment Board, the remainder will be considered under this procedure;
  - 2.2.2 a challenge to a decision to terminate student status. This should be dealt with by way of an appeal against termination of student status;
  - 2.2.3 a complaint about another student's behaviour. This should be reported to the School Proctor, as it may be misconduct;
  - 2.2.4 an intimation of a legal claim. This should be sent to the University Secretary who will respond in line with the Court's guidelines.
- 2.3 The University will consider complaints against:
  - 2.3.1 The Students' Union;
  - 2.3.2 Partner Institutions; and
  - 2.3.3 Any other entity which is subject to University oversight, but which has its own complaints procedure;

under these regulations. In such cases, the outcome of the entity's complaints procedure shall be deemed to be the complaint outcome which can be reviewed by the University Secretary in accordance with regulation 6.
- 2.4 This procedure is not appropriate for giving general feedback (for example, about a particular course) – this should be referred to the Course Student Academic Representative (StAR). This procedure is not appropriate for disclosing malpractice

as defined by the University's Public Interest Disclosure Policy, under which disclosure should be made.

- 2.5 Where a complaint is frivolous or vexatious or where the complainant or representative engages in unacceptable behaviour, the complaint may be dismissed or conditions imposed on how the complainant/representative can conduct the complaint.

### **3 Before complaining/Informal resolution**

- 3.1 Before submitting a complaint under this procedure a complainant should attempt to resolve the issue with the person concerned with or responsible for the matter giving rise to the complaint. This is usually the quickest and easiest way of resolving matters. However, if the complainant has not had a response or they not satisfied with the response, they should submit a complaint under this procedure.
- 3.2 The relevant School or Professional Service Department may put their investigation of a complaint under these regulations on hold to allow informal methods of resolution to be explored.
- 3.3 A complaint shall be considered under these regulation and the investigation not put on hold, at the request of the complainant, if:
- 3.3.1 It is not appropriate to be dealt with informally. If the complainant and the relevant School or Professional Service Department do not agree whether it is appropriate to deal with a particular matter informally, it shall be referred to the University Secretary for determination; or
- 3.3.2 More than 4 weeks has elapsed since the investigation under these regulations was put on hold pursuant to regulation 3.2 above.
- 3.4 Notwithstanding anything in this regulation 3, regulation 4 below shall apply to all complaints, whether or not any informal resolution of the matter has been explored or undertaken.

### **4 Submitting a complaint**

- 4.1 A complaint must:
- 4.1.1 be made in writing on the prescribed Complaint Form (available at [www.londonmet.ac.uk/complaints](http://www.londonmet.ac.uk/complaints) on the University Secretary's Office webpages or in hard copy on request from the University Secretary's Office);
- 4.1.2 be dated and bear the full name, student number (if applicable) of the complainant and be authorised by the complainant. The University does not accept complaints brought on behalf of another person, unless that person has specifically given written permission, or anonymous complaints;
- 4.1.3 state the issues about which the complainant wishes to complain and what outcome the complainant is seeking;
- 4.1.4 state what steps the complainant has taken to resolve the issue before making a complaint;

- 4.1.5 include all relevant evidence that the complainant wishes to rely upon. The complainant will be asked to confirm that they have submitted all relevant evidence;
  - 4.1.6 If it is being made on behalf of a number of complainants, include the consent of each person on whose behalf the group complaint is being made and nominate one person to act as group representative with whom the University can correspond on behalf of the whole group.
  - 4.1.7 be received within 3 months after the act or omission complained of (complaints received after this deadline will be deemed invalid unless the complainant has demonstrated good reason for any period of delay);
  - 4.1.8 be submitted to the Head of School of the relevant School or Head of the relevant Professional Service Department or their nominees (a list of the nominated contacts is available on the University Secretary's Office webpages). Where a complaint relates to more than one School and or Professional Service Department, the complaint should be submitted to the Deputy University Secretary, who shall coordinate the investigation of the complaint across the relevant School and/or Professional Service Department either personally or shall nominate another person to coordinate the investigation.
- 4.2 A complainant may find it helpful to seek advice, support or advocacy from the Students' Union. The University Secretary's Office can give procedural advice, but cannot advise on the substance of the complaint.

## **5 Investigating a Complaint**

- 5.1 On receipt of a valid complaint form the relevant School or Professional Service Department will investigate the complaint.
- 5.2 The complainant is required to participate with the investigation process in a timely and cooperative manner and comply with any reasonable requests for additional information/requests for meetings made by the person or team investigating the complaint.
- 5.3 If a meeting is arranged the complainant shall be given at least 5 working days' notice. The complainant shall be entitled to attend with a friend (who is not a solicitor or barrister), provided they are a student, member of staff of the Students' Union or member of staff of the University.
- 5.4 Once the investigation has been completed, the Head of School or Head of Department (or the Deputy University Secretary) or their nominee shall provide a written complaint outcome to the complainant which sets out their findings and decision in relation to each issue raised together with a summary of the evidence supporting each finding.
- 5.5 Investigation of a complaint may be put on hold while other procedures (such as academic appeals) are in progress.

## **6 Reviewing a Decision**

- 6.1 The complainant may ask the University Secretary to review the decision(s) on the grounds that:
- 6.1.1 the decision maker has misapplied a procedure, policy or regulation;
  - 6.1.2 the decision(s) is not supported by the evidence;
  - 6.1.3 there was a serious procedural error (whether of this procedure prescribed by these regulations or of the requirements of natural justice) or other irregularity when the complaint was investigated and the decision(s) reached that makes the decision unfair;
  - 6.1.4 no reasons for the decision were given; and/or
  - 6.1.5 the student has new evidence that they could not reasonably have provided when making the complaint or during the investigation and which would probably have an important influence on complaint outcome. Other than this, the University Secretary shall not consider any evidence that was not provided when the complaint was being investigated and a decision reached under paragraph 5.
- 6.2 The request for a review must:
- 6.2.1 be in writing on the prescribed Complaint Review Form (available at [www.londonmet.ac.uk/complaints](http://www.londonmet.ac.uk/complaints) on the University Secretary's Office webpages or in hard copy on request from the University Secretary's Office)and
  - 6.2.2 state the grounds on which the decision(s) should be reviewed.
  - 6.2.3 be received by the University Secretary within 2 weeks of the decision(s) being sent.
- 6.3 After reviewing the decision(s) the University Secretary may:
- 6.3.1 affirm, set aside or vary any finding or decision reached;
  - 6.3.2 refer the complaint, or any part of it or any decision to the Dean or Head of Department for further consideration, with any such guidance as the University Secretary thinks fit;
  - 6.3.3 investigate (personally or by a nominee) the complaint afresh.
- 6.4 The outcome of the review will be communicated to the complainant in writing.

## **7 Timeliness**

- 7.1 A complaint shall be investigated within a reasonable time. What is a reasonable time will depend on the nature of the complaint and evidence submitted with it, but the formal investigation and any associated review should be completed within 13 weeks of initial receipt of the complaint form. However, there may be circumstances where, for good reason, the University needs to extend this timeframe; if this occurs the University will advise the complainant of this.

- 7.2 Circumstances that may delay completion of the procedures (investigation and review) include (but are not limited to):
- 7.2.1 Incomplete forms;
  - 7.2.2 Lack of clarity regarding the issues complained about or grounds relied upon;
  - 7.2.3 Unavailability of relevant persons (including the complainant) for interviews/meetings;
  - 7.2.4 The investigation being put on hold to allow informal methods of resolution to be explored; or
  - 7.2.5 Delays in requesting a review.
- 7.3 Any period during which the investigation is put on hold to allow informal methods of resolution to be explored (pursuant to regulation 3.2 above) shall not be included in the thirteen week period referred to in regulation 7.1 above.

## **8 Completion of Procedure and External review**

- 8.1 The University Secretary shall issue a Completion of Procedures letter where:
- 8.1.1 The request for a review has been upheld, but the complainant requests a letter; and
  - 8.1.2 Where the complaint has not been upheld and the complaint's request for review has been rejected.
- 8.2 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:
- 8.2.1 admission to the University;
  - 8.2.2 matters of academic judgment;
  - 8.2.3 student employment matters;
  - 8.2.4 matters that are the subject of court proceedings which have been concluded or which are "live" unless they have been stayed; or
  - 8.2.5 matters previously considered by another ADR Entity.

# London Metropolitan University

# General Student Regulations

## *Section 9 - Student Discipline*

*2016-17*

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## **1 Introduction**

- 1.1 These Student Disciplinary Regulations (“Regulations”) provide for the discipline of students on the grounds of misconduct and for suspension and expulsion.
- 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 these Regulations against a student is a serious matter. Any student who is accused of misconduct is advised to seek assistance from the Students’ Union promptly.

## **2 Definitions and Interpretations**

- 2.1 The definitions and interpretations in Schedule 1 apply to these regulations.

## **3 Applicability**

- 3.1 These Regulations apply to general student misconduct. They do not apply to Academic Misconduct, which is dealt with under the Academic Regulations;
- 3.2 These Regulations apply to Students of the University. They also apply so far as is practicable to any person to whom an offer of a place has been made and who subsequently becomes a Student;
- 3.3 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.
- 3.4 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 Schedule 6.

## **4 Disciplinary Offences**

- 4.1 If a Student is found on the balance of probabilities to have committed misconduct they are subject to disciplinary measures and sanction.
- 4.2 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 Misconduct**

- 5.1 Misconduct is any act or omission which improperly interferes with the functioning or activities of the University, or of those who work or study in the University, or which improperly damages the University or its reputation.
- 5.2 It does not matter whether the alleged misconduct takes place on or off University premises.
- 5.3 It also does not matter whether or not the alleged misconduct arises out of a Student's studies.
- 5.4 A non-exhaustive list of examples of misconduct is set out in Schedule 2;

## **6 Criminal Offences**

- 6.1 Where alleged misconduct is or could also be a criminal offence, the School Proctor shall confer with the University Secretary. The University may:
  - 6.1.1 Report the matter to the police or other relevant authority. Only the University Secretary may report an incident to the police on behalf of the University;
  - 6.1.2 Defer taking action until the police, Crown Prosecution Service and courts have dealt with the matter; and/or
  - 6.1.3 Continue with its investigation, where it is confident that the University's investigation will not prejudice or hinder the police investigation or criminal proceedings.
- 6.2 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;
- 6.3 The University will take into account any caution accepted or sentence imposed when deciding the appropriate penalty;
- 6.4 Save as provided for by regulations 6.2 and 6.3, proceedings under these regulations are separate from and additional to the criminal law. A Student is not exempt from 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.

## **7 Licensed Premises**

- 7.1 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.
- 7.2 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 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.

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

## **8 Fitness to Practise and professional or regulatory requirements**

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

8.1.1 Notify the relevant body of the matter;

8.1.2 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.

## **9 Authority to Check Disorder**

- 9.1 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.

- 9.2 Where a staff member has exercised the authority under this regulation 9, they must report the matter to the Proctor.

- 9.3 Where a student is reasonably believed to be causing disorder, a Building 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 Building Manager's decision.

## **10 Precautionary Suspension and Conditions**

- 10.1 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:

10.1.1 A criminal charge is pending against the student; or

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

10.1.2.1 breach the University's duty of care to the student or others; or

10.1.2.2 Cause the University to be in breach of its wider obligations (including, but not limited to, obligations under the immigration regulations); or

10.1.2.3 impede an investigation into the allegation;

- 10.2 A Senior Member of Staff may suspend a Student in the circumstances set out in regulation 10.1 in the absence of the Proctor.
- 10.3 Suspension means that the student shall be excluded from all University premises. The student may seek support from their Personal Academic Advisor, the Students' Union or caseworker, but this must be by appointment. A student who has not made an appointment will not be admitted to the University's premises.
- 10.4 Suspension is precautionary and does not mean that the allegation has been judged or proven.
- 10.5 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 secure that:
  - 10.5.1 The student does not cause the University to be in breach of its:
    - 10.5.1.1 wider obligations (including, but not limited to, obligations under the immigration regulations); or
    - 10.5.1.2 duty of care to the student or others or
  - 10.5.2 the student does not impede an investigation into the allegation.
- 10.6 A student who has been suspended or had conditions imposed under this regulation 10 may:
  - 10.6.1 Ask to the Proctor or University Secretary to review the suspension or condition. Any such request must be in writing and made not more frequently than once a month.
  - 10.6.2 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 of the Students' Union. Such request must be in writing.

## **11 Proctors**

- 11.1 Where a Proctor learns of or identifies matters of actual or possible misconduct by a student under these Regulations, they shall make enquiries of any person who might know of the circumstances of or matter relevant to the alleged misconduct (which may include enquiries of the University's Disability and Dyslexia Service) to determine whether misconduct has taken place. Such enquiries shall usually be concluded within 20 days of the receipt of notice of the suspected misconduct ;
- 11.2 On conclusion of the enquiries pursuant to regulation 11.1 and if the Proctor determines that there is evidence of a case against the student, the Proctor shall arrange an interview with the student at which the allegation against them and evidence on which it is based is put to them. The interview shall usually take place within 10 days of the conclusion of the enquiries pursuant to regulation 11.1 and shall be conducted in accordance with Schedule 5;
- 11.3 The Proctor shall determine whether the misconduct is minor misconduct or major misconduct in light of the considerations set out in Schedule 3;

## **12 Minor Misconduct**

- 12.1 Where the Proctor determines that the misconduct is minor misconduct and that on a balance of probabilities that the student has committed minor misconduct, they shall notify the student of the decision and invite the student to provide a written statement of mitigation within 5 days;
- 12.2 On receipt of the statement of mitigation or the expiry of the 5 day period the Proctor shall, having considered any statement of mitigation, apply one or more of the sanctions set out in Schedule 4;
- 12.3 The Proctor shall within 5 days notify the student, Head of School and the University Secretary of their decision under regulation 12.1 and the sanction imposed under regulation 12.2 and record the decision and sanction on the student's file;
- 12.4 Imposition of a financial sanction under regulation 12.3 shall not prevent the University or any other person from seeking compensation from the student for the costs of repair to their property.

## **13 Minor Misconduct Appeals**

- 13.1 A student who has been sanctioned by the Proctor pursuant to regulation 12 may appeal against the decision or the sanction imposed;
- 13.2 The appeal must be made in writing on the prescribed Appeal Form and sent to the University Secretary's Office within 10 days of the date the student was notified of the decision being appealed;
- 13.3 An appeal may only be made on the Grounds of Appeal;
- 13.4 The University Secretary may dismiss an appeal that:
  - 13.4.1 is received late and there is no reasonable explanation why it could not be brought in time, or
  - 13.4.2 does not clearly state the grounds on which the appeal is being made;
  - 13.4.3 does not disclose any reasonable grounds of appeal; or
  - 13.4.4 is entirely without merit.
- 13.5 Unless the appeal is dismissed pursuant to regulation 13.4, the University Secretary shall refer the appeal to the Disciplinary Board within 10 days of receiving the student's duly completed Appeal Form.
- 13.6 The Disciplinary Board shall consider the appeal on the basis of the written appeal papers, unless it would assist the Board's deliberations or is otherwise in the interest of fairness to convene a hearing. 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 University Secretary's receipt of the duly completed Appeal Form.
- 13.7 After reviewing the decision of the Proctor and the student's appeal the Disciplinary Board may:
  - 13.7.1 affirm, set aside or vary any finding or decision reached (this may include increasing any sanction imposed);

- 13.7.2 refer the matter, or any part of it or any decision to the Proctor for further consideration, with any such guidance as the Disciplinary Board thinks fit.
- 13.8 The clerk to the Disciplinary Board shall within 5 days of the Disciplinary Board's decision notify the student, the Proctor, the University Secretary and the Head of School of the decision of the Disciplinary Board and shall record the decision on the student's file.

#### **14 Major Misconduct**

- 14.1 Where the Proctor is satisfied that major misconduct has taken place, they shall within 5 days refer the matter to the University Secretary for referral to the Disciplinary Board;
- 14.2 The University Secretary may, within 10 days, decline to refer a matter to the Disciplinary Board if they consider:
- 14.2.1 that there is insufficient evidence to substantiate the allegation against the student;
  - 14.2.2 that the matter is not major misconduct;
  - 14.2.3 there is a real risk that proceeding will adversely affect the student's health; or
  - 14.2.4 that it is not in the University's interests for the matter to proceed.
- 14.3 Where the University Secretary declines to refer a matter to the Disciplinary Board pursuant to regulations 14.2.1 or 14.2.2, they may refer the matter to Proctor for further investigation (and subsequent referral) or consideration as minor misconduct.

#### **15 Disciplinary Board**

- 15.1 The Disciplinary Board shall consider all allegations of major misconduct referred to it by the University Secretary;
- 15.2 A hearing before the Disciplinary Board shall be convened by the University Secretary, who shall also appoint a clerk to the Disciplinary Board. Such hearing shall usually take place within 30 days of receipt of the Proctor's referral by the University Secretary ;
- 15.3 The preparation for the hearing shall be in accordance with Schedule 5;
- 15.4 The hearing shall be conducted in accordance with Schedule 5 and the Proctor (or their nominee) shall present the case against the student;
- 15.5 Where the Disciplinary Board determines that the student has committed major misconduct it shall apply one or more of the sanctions set out in Schedule 4;
- 15.6 Imposition of a financial sanction under regulation 15.5 shall not prevent the University or any other person from seeking compensation from the student for the costs of repair to their property.

- 15.7 The clerk to the Disciplinary Board shall notify the student, the Proctor, the University Secretary and the Head of School of the decision of the Disciplinary Board and shall record the decision on the student's file.

## **16 Appeal from the decision of the Disciplinary Board**

- 16.1 A student who has been sanctioned by the Disciplinary Board pursuant to regulation 15 may appeal the decision or the sanction. This regulation 16.1 gives no right of appeal where the decision of the Disciplinary Board is to confirm or vary the decision of a Proctor on appeal pursuant to regulation 13.
- 16.2 The appeal must be made in writing on the prescribed Appeal Form and sent to the University Secretary's Office within 10 working days of the date the student was notified of the decision being appealed;
- 16.3 An appeal pursuant to regulation 16.1 may only be made on the Grounds of Appeal;
- 16.4 The University Secretary may dismiss an appeal that:
- 16.4.1 is received late and there is no reasonable explanation why it could not be brought in time, or
  - 16.4.2 does not clearly state the grounds on which the appeal is being made; or
  - 16.4.3 does not disclose any reasonable grounds of appeal; or
  - 16.4.4 is entirely without merit.
- 16.5 Unless the appeal is dismissed pursuant to regulation 16.4, the University Secretary shall refer the appeal to the Vice-Chancellor within 10 days of receiving the student's duly completed Appeal Form;
- 16.6 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 30 days of the University Secretary's receipt of the duly completed Appeal Form
- 16.7 After reviewing the decision of the Disciplinary Board the Vice-Chancellor may:
- 16.7.1 affirm, set aside or vary any finding or decision reached;
  - 16.7.2 refer the matter, or any part of it or any decision to the Disciplinary Board for further consideration, with any such guidance as the Vice-Chancellor thinks fit.
- 16.8 The Vice-Chancellor shall within 5 days of their decision notify the student, the Proctor, the University Secretary, the Chair of the Disciplinary Board and the Head of School of their decision and shall record the decision on the student's file.

## **17 Binding Over**

- 17.1 At any time before a decision has been made pursuant to regulations 12.1 and 15.5, the University may agree with the student not to proceed to a decision subject to agreed conditions, provided that:
- 17.1.1 The student admits the misconduct; and
  - 17.1.2 The student undertakes to abide by the conditions of the agreement; and
  - 17.1.3 The Director of Student Journey and the University Secretary consent to the agreement;
- 17.2 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.
- 17.3 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);
- 17.4 No student shall be required to conclude an agreement pursuant to regulation 17.1
- 17.5 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 17.1 and the fact that such an agreement has been declined shall be disregarded when considering the matter.

## **18 Times Scales and Changes to Procedure**

- 18.1 Where a matter has been deferred pursuant to regulation 6.1.2, no time period of time stipulated under regulations 11 to 16 shall run until the police, Crown Prosecution Service and courts have dealt with the matter and the University has been notified of the same;
- 18.2 Any period of time stipulated for completion of a step by the University may be extended:
- 18.2.1 At the request of the student (including, but not limited to, a request to reschedule an interview or hearing);
  - 18.2.2 With the agreement of the student;
  - 18.2.3 With the agreement of the Head of School (in respect of investigations under regulation 11, minor misconduct under regulation 12) or the University Secretary (in respect of minor misconduct appeals under regulation 13, major misconduct under regulations 14 and 15, and appeals from the decision of the Disciplinary Board under regulation 16) in the event of matters outside the University's control or where the complexity of the matter so requires;
- 18.3 Any period of time stipulated for completion of a step by the student may be extended:

- 18.3.1 With the agreement of the Proctor (in respect of investigations under regulation 11, minor misconduct under regulation 12);
- 18.3.2 With the agreement of the University Secretary (in respect of minor misconduct appeals under regulation 13, major misconduct under regulations 14 and 15, and appeals from the decision of the Disciplinary Board under regulation 16);

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;

## Schedule 1. Definitions and Interpretation

The following definitions and interpretations apply to these regulations and the schedules to these Regulations

Terms	Definition/Interpretation
Proctor	<p>A person nominated by a Head of School to deal with actual and possible misconduct and therefore has the authority to impose sanctions where minor misconduct is shown to have taken place.</p> <p>Proctors may be nominated by the Head of School of the Faculty to which the student belongs.</p> <p>In exceptional cases or in cases involving a sabbatical officer of the Students' Union a Proctor may be nominated by the University Secretary.</p> <p>At least one Proctor shall be nominated by each Head of School. The same person may be nominated Proctor by more than one Head of School. A special Proctor may be nominated by a Head of School for a particular allegation of misconduct.</p> <p>A Proctor's authority to act may be confirmed retrospectively in cases where it has been called into question.</p> <p>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.</p>
Disciplinary Board	<p>A Board comprised of:</p> <ul style="list-style-type: none"> <li>• a Head of School;</li> <li>• a member of Academic Board or the University's Management; and</li> <li>• a representative of the Students' Union.</li> </ul> <p>The Board shall be chaired by the Head of School.</p> <p>The representative of the Students' Union shall usually be a sabbatical officer of the Students' Union or member of student council. However, where the usual nominees are unavailable or are conflicted, the Students' Union representative shall be nominated by the Trustees of the Students' Union. In default of nomination by the Trustees of the Students' Union within 10 days, the University may nominate a student representative from another Higher Education Institution's Students' Union or from the National Union of Students.</p>
Student	<p>(i) any person registered as a student of the University (whether enrolled or not); and</p> <p>(ii) the sabbatical officers and other officers of the Students' Union</p>

Head of School	A Head of School, or their deputy, or their nominee
Director of Student Journey	Director of Student Journey or their deputy, or their nominee
University Management	A Head of School, member of Senior Staff, a Director or Head of a Professional Services Department
days	Any period expressed 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 3 days before a hearing shall exclude the days on which the item was sent and the day of the hearing when counting the 3 days. A working day is a day on which the University is open.
file	A document is filed when it received by the recipient. A document is deemed to be received the day it is sent by email and 2 days after it is sent by first class post.
Friend	A friend or representative of the student (but not a qualified solicitor or barrister), provided such person is a Student, member of staff of the Students' Union or member of staff of the University.
Senior Staff	The Vice Chancellor, a Pro Vice Chancellor, the Chief Operating Officer and the University Secretary.
Grounds of Appeal	<ol style="list-style-type: none"> <li>1. There is evidence that was not reasonably available at the time the decision was made and that would have a material effect on the decision; and/or</li> <li>2. There was a material procedural defect in the investigation or decision (which will include displays of bias or prejudice); and/or</li> <li>3. That the sanction imposed is manifestly disproportionate to the misconduct that was found</li> </ol>
Accredited Courses	Courses of study accredited or validated by one or more professional, statutory or regulatory bodies.
Academic Misconduct	All forms of cheating, plagiarism and collusion that are covered by the Academic Regulations.
Record on the student's file	Note the decision and the sanction imposed on the student in the University's Student Record database (SITS);

## **Schedule 2. Misconduct**

1. Misconduct includes, but is not limited to, the following:
  - 1.1. Any conduct that constitutes a criminal offence;

- 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. Violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language;
- 1.6. 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.
- 1.7. 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);
- 1.8. Bribery, fraud, deceit, deception or dishonesty in relation to the University, its staff, students or visitors;
- 1.9. Theft, misappropriation or misuse (including computer misuse) of University property, or the property of the University's staff, students or visitors;
- 1.10. Misuse or unauthorised use of University premises;
- 1.11. 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;
- 1.12. Action likely to cause injury or to impair safety on University premises;
- 1.13. Failure to respect the rights of others to freedom of belief and freedom of speech;
- 1.14. Breach of the provisions of any University code, policy, rule or regulation (including breaches of regulations governing the conduct of Students' Union elections), including (but not limited to) Premises Rules, Library Code and ISS Rules published pursuant to section 7 or the Research Code published pursuant to section 11 of the General Student Regulations;
- 1.15. Breach of the Students' Union Memorandum and Articles or Bye Laws;
- 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.

### **Schedule 3. Major and minor misconduct**

1. When determining whether alleged misconduct is minor or major misconduct the following factors shall be taken into account:
  - 1.1. The damage caused by the alleged misconduct;
  - 1.2. The effect that the misconduct has had on any person (including the extent of any physical injury or emotional distress);
  - 1.3. Whether the misconduct, if proved, would justify a penalty that can only be imposed by the Disciplinary Board (for example, exclusion or expulsion);
2. Misconduct or alleged misconduct falling in the following categories would usually be considered major misconduct:
  - 2.1. Three incidents of disorder occurring within a 5 day period;
  - 2.2. Repeated or systematic minor misconduct;
  - 2.3. Attempts to influence or victimise complainants or witnesses involved with any proceedings under these regulations or by the police;
  - 2.4. Failure to comply with a sanction imposed under these regulations;
  - 2.5. Misconduct relating to examinations or assessments (insofar as it does not amount to academic misconduct);
  - 2.6. Submission of falsified documents to the University (including documents provided evidence in support of mitigating circumstances claims or academic appeals);
  - 2.7. Serious criminal offences (that is, an offence that is likely to attract an immediate custodial sentence if proved in a criminal court, or one that can only be tried as a criminal offence in the Crown Court (an indictable only offence));
3. Where it is disputed whether the alleged misconduct is minor or major misconduct, the University Secretary's decision is final.

## Schedule 4. Sanctions

Under regulation 12.1 a Proctor may impose one or more of the following sanctions:

1. A reprimand	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.
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.
3. Suspended sanction	No sanction is imposed, provided that no further misconduct is committed in the next twelve months. If further misconduct is committed sanctions can be imposed for both incidents of misconduct.
4. A Fine	Pay a sum of up to a maximum of £100 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 20 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 3 months. Notwithstanding the time limit for appeals provided for by regulation 13, the student may ask the Proctor or the Director of Student Journey to review a restriction at any time while the restriction is effective on the ground that the restriction is seriously impeding the student's academic progress.

Under regulation 15.5 a Disciplinary Board may impose one or more of the following sanctions:

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.
3. Suspended sanction	No sanction is imposed, provided that no further misconduct is committed in the next twelve months. If further misconduct is committed sanctions can be imposed for both incidents of 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 provided for by regulation 16, 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 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 not exceeding 12 months. 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 Board.
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 5. 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 in accordance with regulation 11.2:
  - 2.1. The Proctor must
    - 2.1.1. Give at least 3 days' notice of the interview;
    - 2.1.2. Provide a summary of the allegation made against the student at least 3 days before the interview;
  - 2.2. The student is entitled to:
    - 2.2.1. Attend with a Friend. The Proctor may permit the Friend to speak on behalf of the student if it would assist the investigation;
    - 2.2.2. See any documents upon which a decision may be based;
    - 2.2.3. Ask questions to clarify the allegations and the facts that are being alleged;
3. In respect of any hearing before the Disciplinary Board arranged in accordance with regulation 15.2:
  - 3.1. The student shall be given at least 15 days' notice of the hearing;
  - 3.2. No later than 10 days before the hearing, the Proctor shall file with the University Secretary and the student:
    - 3.2.1. any documents on which they intend to rely;
    - 3.2.2. a list of witnesses whom they intend to call. It is the Proctor's responsibility to arrange for these witnesses to attend the hearing;
  - 3.3. No later than 5 days before the hearing, the student shall file with the University Secretary and the Proctor:
    - 3.3.1. any documents on which they intend to rely;
    - 3.3.2. 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 hearing before the Disciplinary Board arranged in accordance with regulation 15.2,
  - 4.1. the student may:
    - 4.1.1. Attend the hearing. The student does not need to attend the hearing and the Board may make a decision in the student's absence, provided that the Board is satisfied the student was informed of the date of the hearing and has not given a reasonable excuse (supported by evidence) for absence;
    - 4.1.2. Be assisted by a Friend at the hearing. The Chair of the Board may permit the Friend to speak on behalf of the student if it would assist the conduct 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 Board has seen (whether or not the Proctor 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 Board may decline to hear a witness if their evidence is not relevant;
    - 4.1.6. Ask (via the Chair of the Board) questions of witnesses or the Proctor;
    - 4.1.7. Make representations to the Disciplinary Board;
  - 4.2. The Board shall
    - 4.2.1. Be conducted in accordance with the directions (whether given at the hearing or beforehand) of the Chair of the Board, 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. Imposing time limits on submissions;
      - 4.2.1.4. Adjourning the hearing to another time or place;
    - 4.2.2. reach its decision by majority vote. In the event of a tie, the Chair of the Board shall have a second or casting vote.

## **Schedule 6. Physical or Mental Health Condition**

1. Where a Proctor, the University Secretary, the Director of Student Journey or the Chair of the Board has reason to believe that the incident underlying an allegation of misconduct has occurred, but that it appears that the incident may arise from the student's physical or mental health condition or failure to take prescribed medication, they shall seek the University Secretary's agreement to deal with the matter under the University's Fitness to Study regulations.
2. Where the University Secretary agrees, the matter shall be dealt with under the University's Fitness to Study regulations.
3. Where the University Secretary does not agree, the matter shall continue to be dealt with under the University's Disciplinary Regulations, but the Proctor, the University Secretary, the Director of Student Journey or Chair of the Board shall notify the University's Disability and Dyslexia Service.

London Metropolitan University

# General Student Regulations

*Section 10 - Fitness to Study*

*2016-17*

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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); and
  - 2.1.2 A student's ability to meet:
    - 2.1.2.1 The reasonable academic requirements to 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 A reference in these regulations to a particular office-holder includes that officer-holder's deputy or nominee.

- 2.6 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.
- 2.7 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.
- 2.8 School Nominee means a person nominated by the Head of School to deal with matters under regulation 6.2
- 2.9 A Friend means a friend, guardian or representative of the student (but not a qualified solicitor or barrister), provided such person is a student of the University, member of staff or officer of the Students' Union or member of staff of the University or a member of the student's family.
- 2.10 Senior Staff means the Vice-Chancellor, Pro Vice Chancellor, Chief Operating Officer and the University Secretary.

### **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.
- 6.3.2 The Fitness to Study Panel shall consist of:
- 6.3.2.1 The University Secretary, who shall be Chair of Panel;
  - 6.3.2.2 A representative from Student Services;
  - 6.3.2.3 A representative from Academic Registry; and
  - 6.3.2.4 Such other members as the Chair of Panel appoints from time to time
- 6.3.3 The Chair of Panel 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 University Secretary's Office;
- 6.4.4 The University Secretary 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);
  - 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.

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# General Student Regulations

## *Section 11 - Intellectual Property and Research Conduct*

*2016-17*

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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 Head of the Research Office on the advice of the Innovation and Enterprise Unit.
- 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 Head of the Research Office may, with the advice and consent of the Research and Enterprise 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 Head of the Research Office 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 Head of the Research Office or their nominees 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 Discipline regulations), unless otherwise dealt with by any such rules or policies.

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# General Student Regulations

## *Section 12 - Student Records*

*2016-17*

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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).

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# General Student Regulations

*Section 13 - Health and Safety, Liability  
and Miscellaneous Regulations*

*2016-17*

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## **1 Health and Safety**

- 1.1 All students and prospective students 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

## **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 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.

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# General Student Regulations

## *Section 14 - Changes to Regulations and Courses*

*2016-17*

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## **1 Changes to General Regulations**

- 1.1 Regulations that are common to all students and by which the University regulates the whole University community may be changed from time to time. Such regulations include (but are not limited to):
  - 1.1.1 These General Student Regulations;
  - 1.1.2 Regulations covering:
    - 1.1.2.1 the conduct of examinations and assessments;
    - 1.1.2.2 the submission of mitigating circumstances;
    - 1.1.2.3 appeals against decisions of Assessment Boards/termination of student status;
    - 1.1.2.4 student academic misconduct; or
    - 1.1.2.5 the constitution, terms of reference and procedures of any committee, board, or office-holder.
- 1.2 Such changes will usually be brought into effect at the start of the academic year and the changes will be published on the University's website prior to the start of the academic year.
- 1.3 The University may make changes to such regulations during the academic year to address unanticipated circumstances that affect the quality, standards or the delivery of a course or to comply with a recommendation, direction or order made by a court, the QAA, the OIA or other external regulatory, validating or accrediting body. In this case such changes will be notified to the students by email as well as being published on the University's website.

## **2 Changes to "Programme" Regulations**

- 2.1 Regulations that apply to an individual student's performance on a programme of studies will usually be changed with respect to new students only (that is, those who have not already registered as students on the relevant course or module at the time of the proposed change). Such regulations include (but are not limited to):
  - 2.1.1 Degree Regulatory Frameworks;
  - 2.1.2 Course Specifications;
  - 2.1.3 Progression rules
- 2.2 Such changes will usually be brought into effect at the start of the academic year and the changes will be published on the University's website prior to the start of the academic year.
- 2.3 However, the University may change such regulations with respect to continuing students (that is students, who have already registered as students of the University on that programme of studies at the time of the proposed change) where:
  - 2.3.1 the changes are:
    - 2.3.1.1 non-material; or

- 2.3.1.2 beneficial to students; or
  - 2.3.1.3 reasonably required to address unanticipated circumstances that affect the quality, standards or the delivery of a course; or
  - 2.3.1.4 reasonably required to comply with a recommendation, direction or order made by a court, the QAA, the OIA or other external regulatory, validating or accrediting body; or
  - 2.3.1.5 reasonably required to comply with the University's legal obligations (including but not limited to health and safety law obligations and equality law obligations); or
  - 2.3.1.6 required as a result of circumstances outside the University's control; or
- 2.3.2 the majority of affected students have, directly or by their representatives, agreed to the change.
- 2.4 In this case the University shall use its reasonable endeavours to provide reasonable notice in advance of any such changes and such changes will be notified to the students by email as well as being published on the University's website.
- 2.5 Where it is not reasonably practicable to apply previous versions of regulations to part-time students or students who will not complete within the usual period for the specific course (including where a student has had a break from studies) then due to the potential length of the period of registration until they complete their course, the University may make changes to such regulations. Such changes will usually be brought into effect at the start of the academic year and the changes will be notified to the students by email as well as being published on the University's website.
- 2.6 Where the University has changed such regulations with respect to continuing students, an affected continuing student may, in writing, request the Director of Student Journey agree an exceptional change to their programme of studies or other remedy to mitigate any specific detriment suffered by that student.

### **3 Non-Regulatory Changes to Courses**

- 3.1 The University may make alterations to the non-regulatory aspects of courses (that is, aspects not covered by regulations, such as the timetable, location, number of classes, certain content and method of delivery) where:
- 3.1.1 the changes are:
    - 3.1.1.1 non-material; or
    - 3.1.1.2 beneficial to students; or
    - 3.1.1.3 reasonably required to address unanticipated circumstances that affect the quality, standards or the delivery of a course; or
    - 3.1.1.4 reasonably required to comply with a recommendation, direction or order made by a court, the QAA, the OIA or other external regulatory , validating or accrediting body; or

- 3.1.1.5 reasonably required to comply with the University's legal obligations (including but not limited health and safety obligations and equality obligations); or
    - 3.1.1.6 required as a result of circumstances outside the University's control; or
  - 3.1.2 the majority of affected students have, directly or by their representatives, agreed to the change.
- 3.2 The University shall use its reasonable endeavours to provide reasonable notice in advance of any such changes.
- 3.3 For the avoidance of doubt, non-material non-regulatory changes include (but are not limited to):
  - 3.3.1 changes of location within North campus or within City campus;
  - 3.3.2 changes to location between North Campus and City campus where 24 hours' notice has been given;
  - 3.3.3 temporary changes to the timetable where 24 hours' notice has been given;
  - 3.3.4 permanent changes to the timetable where 4 weeks' notice has been given.
- 3.4 Where the University has changed non-regulatory aspects of a course with respect to continuing students, an affected continuing student may request the Director of Student Journey to agree an exceptional change to their programme of studies or other remedy to mitigate any specific detriment suffered by that student.

#### **4 Withdrawal of Courses**

- 4.1 If the University discontinues a Course, or combine it with others, the University shall use its reasonable endeavours to make arrangements to allow students registered on the Course to complete the Course. Exceptionally, this may include:
  - 4.1.1 Changing the medium of delivery (for example, online or blended delivery);
  - 4.1.2 Providing the Course on a compressed timetable
  - 4.1.3 making arrangements for the student to complete the Course at a different institution, but will not require the University pay tuition fees that are substantially more than the Fees the student has been charged.