Chapter 1

Entry, registration and Student status

1 Regulations

1.1 All Students (including all further education, undergraduate, postgraduate and research Students, those attending for approved short courses and those attending De Montfort University programmes in partner institutions) will be subject to the regulations and policies of the University in force at any time during the period of their studies.

1.2 In addition, Students attending De Montfort University programmes in partner institutions or undertaking placement with approved providers as part of their programme, will be subject to codes of conduct and disciplinary regulations in force in the partner institution or placement provider.

1.3 All Students are subject to established procedures for academic assessment and progression, variation of their registration status, exclusion on academic grounds, and to the rules and procedures relating to disciplinaries as per the Chapter 2 of the General Regulations.

2 Registration

2.1 There is no minimum or maximum age requirement for applicants to University programmes. Applicants will normally be aged 18 years or over within 12 weeks of registration. Applicants who will not be 18 upon registration should read the University's policy for managing Students who are under 18 on registration.

2.2 Deadlines for registration can be found in the Academic Regulations (Paragraph 6.2).

2.3 Legal right of residence

The University reserves the right to refuse acceptance or registration to a candidate for admission where the University is aware that the candidate has no current legal right of residence in the country where the candidate would be undertaking studies. Where the University suspects that a candidate may be in such a position then the University reserves the right to defer acceptance or registration while it undertakes enquiries to verify the legal status of the candidate.

2.4 Student ID card

Eligible Students will be provided with personal Student identification card, which bears their official registration number. This card cannot be issued until the prospective Student has completed registration. The card remains the property of the University, it must be carried at all times whilst on University premises, and must be surrendered to any Staff member of the University on request. The card must not be given to any other Student or individual. Students found in possession of an ID card that does not belong to them, will have both their own card and the card for the other person(s) confiscated and they (and the card owner) could be subject to disciplinary proceedings.

2.5 Payment of fees

No person shall be permitted to remain registered as a Student until they have paid the appropriate fees or made arrangements for payment acceptable to the University in accordance with the Charging and Refunding Policy.

Any work due to be submitted during a period of de-registration will be counted as a non-submission. Individuals should read this clause in conjunction with Chapter 1, clause 5.4 for further detail.

2.6 Criminal Convictions

2.6.1 The policy of the University is that no person is discriminated against, either directly or indirectly, on the grounds of their offending background. Nonetheless, where a course leads to a qualification or licence to practise a particular profession, the University has a duty to ensure that it recruits and trains people who will not be prevented from entering their chosen profession because of their offending background. Some courses are exempt from the Rehabilitation of Offenders Act 1974, for example, courses which involve a placement in law enforcement, a health and social care environment, or a school, in which case spent conviction(s), caution(s), reprimand(s) and final warning(s) will need to be declared. Applicants for places on such courses are required to obtain appropriate disclosure from the Disclosure and Barring Service. A criminal record will not automatically prevent an applicant from taking a place.

2.6.2 As part of the registration and re-registration process all prospective Students and current Students are required to provide accurate and up-to-date details of any relevant unspent criminal convictions. Failure formally to notify the University of a criminal conviction, which has not been spent under the Rehabilitation of Offenders Act 1974, or of any police investigation which might lead to a criminal conviction, may result in withdrawal of registration on any programme. Such notifications must be made on the application form or self- declaration form or subsequently to the Head of Security.

2.6.3 Records of all such investigations shall be maintained in accordance with the University's policy on retention and disposal of Student records set out in Chapter 7, Paragraph 5 of these General Regulations.

2.6.4 The University reserves the right to undertake a risk assessment for the safety of all Staff and Students, and the applicant concerned, when considering the admission of any applicant who has previously committed a serious criminal offence. For further guidance please see the University Admissions Policy

2.7 Family members who are University Staff

The University prohibits direct teaching, examining or supervising of a Student by a member of Staff who is either a family member or in a close personal relationship. Whilst there is an expectation that the member of Staff will ensure the University is aware of any such cases, Students also have a responsibility to inform their Faculty Associate Dean (Academic) or Faculty Associate Dean (Research and Innovation) immediately, in writing, if this situation arises. This information will be kept on record, for the duration of the Student's registration at the University, to avoid such situations occurring.

2.8 If a Student is aware that any member of their family (or a person they are in a close personal relationship with) is, or becomes, a member of Professional Services or Senior Staff they must inform the Registrar (Academic) or nominee who will ensure appropriate measures are in place to protect confidentiality and integrity of data.

2.9 Untrue statements and omissions

The discovery, however belated, of any form of fraudulent, untrue or misleading statement or one which omits pertinent facts (e.g. an unspent criminal conviction, or report from Occupational Health about a Student) on an application, declaration or registration form or made during the application process or at interview, or failure to fulfil any registration requirements (e.g. failure to provide original examination certificates or to apply for a Disclosure and Barring Service disclosure) will lead to an immediate withdrawal of any offer of a place (as per Clause 2.5).

2.10 Where the Applicant has already registered as a Student, the Registrar (Academic) may declare the registration void, in which case the Student shall be withdrawn from the University.

2.11 In such cases, the former applicant or Student may present any explanation or observations to the Vice-Chancellor in writing within 10 University working days of the date on which the Registrar (Academic) posted and/or emailed the letter notifying the Student of their withdrawal of registration. On receipt of such written representation, the Vice- Chancellor will review the action taken by the Registrar (Academic). The decision of the Vice-Chancellor shall be final and not subject to review by any other University body.

2.12 Where, in accordance with this regulation, the offer of a place has been withdrawn or a Student's registration has been declared void, that person will not normally be eligible to gain readmission to the University at any time in the future.

2.13 Registration on more than one programme

No Student may be registered simultaneously on a full-time programme and any other programme of studies, whether solely with the University or involving any other institution, without the explicit written permission of the member of Staff designated as responsible for the full-time programme. The discovery of any such dual registration may result in the withdrawal of registration on either or both programmes.

2.14 Students in paid employment

Students should note that they will be personally responsible for ensuring that their academic work is not disadvantaged by any paid employment. Where the Student is subject to border control in the UK, the Student is personally responsible for ensuring that any work undertaken does not represent a breach of any restrictions on hours or type of work as per the Student's Visa. Students are advised that full-time employment is not consistent with the requirements of full-time study. Employment in excess of 15 hours per week is likely to be detrimental to academic achievement and the health and wellbeing of the Student.

2.15 No Student registered on a full-time programme should present commitment to paid employment as extenuating circumstances in requesting deferral of an assessment (see Chapter 5: *Deferral of assessment on grounds of extenuating circumstances*) or in appealing against an assessment board decision (see Chapter 8: *Students' right of appeal against assessment board or Higher Degrees Committee decisions*).

2.16 Where the University has concerns that a Student sponsored under its Student Route license is working hours in excess of those permitted under the terms of their visa, following investigation, the university reserves the right to cancel the Student's registration and notify UKVI (UK Visas and Immigration) of a withdrawal of Student Route sponsorship for that Student.

2.17 Student address and changes of address and contact details

Completion of registration for an academic year requires notification by each Student of their permanent address, term-time address and contact details, where appropriate. All Students must therefore confirm this information at the start of every academic year. In addition, for registration in a current academic year to remain valid, a Student must notify the University of any change(s) in term-time or permanent home address(es) from those given on their registration form, as soon as any change has been affected.

2.18 The University requires Student Route visa students to have a term-time address that is consistent with the requirement for students to be attend the university on a regular basis, in terms of travel time and cost. Student term-time addresses for students registered at De Montfort University must be within a 40-mile radius of the campus, term-time addresses for students registered at DMUIC must be within a 30-mile radius of campus.

2.19 Student Route visa Students who declare a term-time address outside of a 40 for DMU students and 30-mile radius for DMUIC students, or that are believed to have declared an address at which they do not genuinely reside in during term time will have their registration cancelled and the University will notify UKVI of a withdrawal of Student Route sponsorship for that Student.

2.20 Student name and change of name

Applicants must apply using their name as it appears on their birth certificate or passport unless they can provide suitable evidence that their name has been formally changed (for example by marriage, divorce or statutory declaration). Students are required to submit official ID documentation as part of the registration process. The name on the Student record will be updated to reflect the Student's official name. All official documentation, including final award certificates, will be provided under the name that the Student declared on their registration form. The University is not able to produce documentation in any other name, including any name change which occurs after the Student has graduated or otherwise left the University. The University will look at requests for a change of name on award documentation if the former student has changed their name due to identifying as a trans person. To process these requests, please contact the Academic Awards Team directly by email academicawards@dmu.ac.uk for more information please see the policy on student names found on our website

3 Variation to registration status

3.1 The registration of a Student can be ended or suspended as an outcome of failure in assessment, as an outcome of a disciplinary hearing, as the outcome of an academic offence hearing, as a result of failure to pay outstanding debts or persistent absence from the University.

3.2 Additionally, the designated senior member of Staff has the power to immediately suspend a Student from the University, or to exclude the Student from particular facilities, or to require that the Student have no contact with a named person or persons, or otherwise to vary the conditions of study and attendance of a Student, if there is good and sufficient cause. (See Chapter 2: *Student Discipline* and Chapter 3: Student Concern Process).

3.3 Where a student is deregistered (regardless of reason), the student loses access to university facilities, services and teaching and learning provision. This is inclusive of a student not being able to submit work (deemed as non-submissions), lodge deferrals, academic appeals or complaints.

4 Attendance and absence

4.1 Monitoring attendance

Students are expected to be present at all scheduled activities within their programme. Students with a poor attendance record will be notified by their Faculty and ultimately be deregistered from university.

4.2 Faculties may monitor other forms of academic engagement including but not limited to learning platforms such as virtual learning environment (VLE) and MS Teams and Library usage.

4.3 For further information please refer to the University's student attendance monitoring policy, Annex 1 to this chapter.

4.4 Absence

Students must not be absent from the University without good cause, this includes failure to be present at scheduled face to face classes or live (synchronous) online teaching. For absences due to illness, lasting up to six consecutive calendar days, Students must inform the tutors, whose classes they are missing, of the reasons for their absence. For absences of seven consecutive calendar days or more due to illness a medical certificate must be submitted to the Faculty Office responsible for the Student's programme. If the Student wishes the illness to be taken into account in relation to an assessment of work, they must follow the procedures set out in Chapter 5 of these Regulations.

For absences of 7-14 consecutive calendar days due to illness a medical certificate must be submitted to the Faculty Office responsible for the Student's programme.

Persistent absence from the University could result in a change to a variation in registration status as per paragraph 3.1 of this chapter.

4.5 Students receiving Student Loans Company (SLC) financial support Students in receipt of any SLC financial support should note that the University is obliged to inform the SLC of any absences which are authorised or unathorised (including longer term absences due to illness) which are recorded on our student records system. Where a break in learning/a leave of absence is recorded on a student's record, it will be notified to the SLC. Where absences are backdated (including a leave of absence or withdrawal), we will notify the SLC of your last date of attendance and funding eligibility will be calculated by the SLC accordingly

4.6 Students who hold a Student Route Visa

In addition to 4.2 above, attendance for Students who hold a Student Route visa will be specifically monitored through timetabled taught activities only. Those Students whose attendance falls below the required standards will be reported as no longer attending the University to UKVI. This may lead to UKVI cancelling the Student's visa as per their regulations.

4.7 Leave of absence

When a leave of absence is requested for any purpose, except special study (which may be approved as part of the programme), a Student must contact the appropriate Associate Dean (Academic) (or supervisor in the case of research Students) to make the request. This should be done at the earliest opportunity, in advance of the extended leave period. A leave of absence cannot be withdrawn/appealed

4.8 Where a Student Route Student is requesting a leave of absence, under any circumstances, that is 4 consecutive weeks or more (excluding university vacation periods), the authorisation of this absence must also be approved by the Immigration Compliance Manager. Any absence that is taken that has not been authorised will count against the Student's non-attendance record and may contribute to the University's decision to cancel the Student's registration an withdraw Student Route sponsorship for that Student.

4.9 Withdrawal

A Student who decides to withdraw from a programme must inform their Associate Dean (Academic) or nominee in writing that they wish to withdraw. In exceptional circumstances the University may refuse a Student's application to withdraw from their studies pending the outcome of a disciplinary, Fitness to Practise or Academic Offence investigation and panel hearing. If a withdrawal is granted and there are disciplinary procedures in progress, any return to study will result in outstanding procedures being resumed upon return.

4.10 Student participation in sport training and competitive fixtures, including but not limited to British Universities and Colleges Sport (BUCS) competitions.

4.10.1 As per 4.10 students are expected to be present at all scheduled activities within their academic programme.

4.10.2 Students' absence for sport training is not permitted.

4.10.3 The Associate Dean (Academic), or nominee, may grant leave of absence to Students for competitive fixtures where the student is representing DMU (e.g. BUCS) and /or their home nation is permitted. This would normally relate to a Wednesday, but quite often to other days of the week for national competitions. In these circumstances on condition that the following guidelines are adhered to:

4.10.4 The Student should make Associate Dean (Academic), or nominee, at the earliest opportunity.

4.10.5 At the same time the Student should inform the Associate Dean (Academic), or nominee, of other dates they are representing DMU in a competitive fixture.

4.10.6 The Student should give the Associate Dean (Academic), or nominee, one week's (or if this is not feasible at least 4 University working days) notice of requiring leave of absence from a lecture.

4.11 Students requesting absence from lectures and other academic activities should note that they will be personally responsible for ensuring that they are not disadvantaged by such an absence and will take personal responsibility for making good their inability to be present at lectures and other academic activities.

4.12 Professional obligations within programmes cannot be compromised and the final decision in these situations' rests with the Programme Leader (or supervisor in the case of research Students).

5 Payment of fees and other commitments

5.1 Students' responsibility

Students are responsible for the payment of the following fees for each session, students become liable at the start of each session (see also 5.3):

- Tuition fee.
- Programme registration fee, where applicable.
- Programme examination fee, where specified.

Students may be allowed to pay their fees by instalments in accordance with such procedures as are notified. Please refer to the Student Debt Collection Policy for details

5.2 Temporary registration

The Registrar (Academic) has discretion to allow a person who has not yet paid the fees, or made arrangements for payment acceptable to the University, or who has any other debt to the University, to attend a programme for a temporary period. Such persons are, for the temporary period, subject to the same rules and regulations as apply to fully registered Students. If these persons have not paid their fees or other debts by the end of the temporary period, their registration shall be declared void.

5.3 Varying payment date

The requirement with regard to date of payment (5.1 above) may be varied where evidence is produced that the particular fees are to be paid by the Student Loans Company, a local authority, or other sponsoring organisation according to any arrangements as may be acceptable to the appropriate University authority.

5.4 Sanction for failure to pay tuition fees

Students who owe tuition fees will not be permitted to access university facilities, services and teaching and learning provision. This is inclusive of a student not being able to submit work (deemed as non-submissions), lodge deferrals, academic appeals or complaints. No academic qualification shall be awarded to Students who owe tuition fees.

5.5 Student will not be permitted to attend their graduation ceremony where other university charges remaining outstanding e.g. accommodation, av equipment, library, sports assets.

5.6 The University will not provide references, confirmation of award and/or achievement, replacement transcripts or certificates or verification of true copy documents for Students with tuition fee debts or for those who have been expelled from the University for non-payment of tuition fees, as per paragraph 8.1 of the Student Debt Collection Policy.

5.7 After due warning, those Students who have failed to pay tuition fees shall be de-registered by the Registrar (Academic), or nominee, acting on behalf of the Vice-Chancellor.

5.8 The University reserves the right to implement alternative debt collection procedures, including the engagement of a commercial debt collection agency, in the case of any Student who has unpaid tuition fees for any period, or still has outstanding fees on completion of their programme or when their registration is ended, if they are dismissed. The University will pass on any extra costs incurred to the Student.

5.9 Accommodation fees

A Student resident in a University Hall of Residence or other University accommodation must pay the appropriate fees by the date stipulated in the Occupational Licence which they are required to accept.. Where the Student fails to pay the fees by the due date in any period, the University may terminate the Occupational Licence by giving not less than one week's written notice to the Student.

5.10 The University will endeavour to work with Students who fall into debt in relation to their accommodation fees and will pursue all methods of debt recovery with due consideration given to the Student's individual circumstances. If the University's internal enforcement mechanisms have been unsuccessful then the University may engage the services of a commercial debt collection agency where appropriate

5.11 In the event that a Student does not pay the amount owed and all alternative methods of obtaining payment have been exhausted the University may, in exceptional circumstances and taking in to account all the circumstances of the particular case including whether or not there has been any challenge or complaint about the amount owed, implement the sanctions outlined above.

5.12 Textbooks, equipment and other materials

For some programmes, Students are required to provide themselves at their own expense, with specified equipment, materials and textbooks. For some programmes the Faculty makes a charge for materials. Such charges are notified to Students before they register. In some instances, the Faculty may loan textbooks, equipment and other materials to Students. Failure to return these items within the agreed period may result in the Student incurring a debt to the University (see below), which may affect the Student's eligibility to participate in graduation ceremonies. Faculties will notify Students of this possible sanction before a loan is authorised. Audio Visual Loans has its own terms and conditions which can be found on the DMU AV Loans website.

5.13 Failure to pay other academic fees and dues

The University will endeavour to work with Students who fall into debt in relation to other academic fees and dues and will pursue all methods of debt recovery with due consideration given to the Student's individual circumstances. If the University's internal enforcement mechanisms have been unsuccessful then the University may engage the services of a commercial debt collection agency where appropriate

5.14 Examinations

Some examinations have specific entry and/or fee requirements over and above the University registration processes described above. In such cases, it is the responsibility of each Student to submit completed examination entry forms by the due date in accordance with official notices.

5.15 Further information about examination entries may be obtained from Faculty Offices.

5.16 Periods of suspension, debt hold or debt exclusion will not be accepted as valid reasons for seeking extensions, deferrals or academic appeals.

5.17 Replacement certificates and transcripts
The University makes an administrative charge for providing replacement award certificates and transcripts. Students must complete the application process to request a replacement certificate. The University is also able to provide certified copies for a charge.

6 Health and Safety

6.1 Each registered Student is required to ensure that they are fully aware of Part 1 of the University's Health and Safety Policy statement, and Part 2 entitled 'University Staff and Students', which has particular reference to Students' responsibilities at the University in respect of health and safety. Extracts from the University's Health and Safety Policy, Parts 1 and 2 are reproduced in Chapter 10 of these Regulations. The full Health and Safety Policy can be found on our website.

7 Policy on Gifts

7.1 The University takes its legal obligations under the Bribery Act 2010 very seriously, and in light of this, Staff are not able to receive gifts from Students under any circumstances. It should also be noted that a breach of this provision in certain circumstances could amount to both a disciplinary and criminal offence.

8 Rescinding of an Award

8.1 The University reserves the right to rescind and deprive a person of any award granted to them by or on behalf of the University in accordance with section 76(5)(c) of the Further and Higher Education Act

8.2 1992. These provisions may be applied in cases where allegations of a serious academic offence have been substantiated after an award has been conferred or if a Student has gained admission to the University via deceptive or dishonest means.

8.3 The decision to rescind an award will be taken by the Vice-Chancellor on the recommendation of the appropriate Assessment Board or Higher Degrees Committee.

8.4 The Registrar (Academic), or nominee, will write to the Student accordingly. Any Student who wishes to appeal such a decision should do so in writing to the Registrar (Academic) within 10 University working days, who will arrange for a member of the Board of Governors to review the decision.

Annex 1: Student Attendance Monitoring Policy

1 Students are required to be present at and engage with their studies in the manner dictated by the specifics of their programme of study. This policy applies to all taught Students at all levels of study.

2 Students are required to register their attendance at every taught session. Your attendance and engagement will be monitored weekly. Faculties will check the record at regular intervals throughout the year.

3 The University acknowledges that at times a Student's Attendance could be impacted by a disability or health condition. If a Student thinks this might result in Attendance concerns, they should contact the Disability team or the Wellbeing team to discuss whether there are approaches to support or adjustments which could be beneficial.

4 If you are a Student Route (including Tier 4) visa Student, you are not permitted to study the course remotely; you are therefore expected to attend all timetabled in-person[1] teaching.

5 Unauthorised absence which causes concern to your Faculty will result in the following actions:

5.1 If your Attendance and/or online presence does not meet the above requirements for the period monitored, the Faculty will contact you. This correspondence will contain appropriate advice and guidance for you in relation to supporting your engagement with your studies.

5.2 Following the Faculty contacting you regarding your non-attendance, your Attendance will continue to be monitored. Should your Attendance not improve the Faculty will contact you again.

5.3 Upon receipt of a second communication regarding non-attendance, Student Route visa holders will be deemed to be de-registered and UKVI will be notified, unless:

5.3.1 A sufficient period of non-attendance authorised by the Faculty means that consecutive non-attendance has not exceeded the threshold permitted under this policy, or:

5.3.2 A Student has successfully appealed their de-registration via the process set out in this document.

[1] Defined as any teaching activity at which you must be physically present/attend in person i.e. not online.

For all other Students, if your relevant Attendance/presence online does not improve or you are not able to provide a satisfactory explanation for non- attendance/presence online or where there is insufficient evidence of other academic engagement (such as on-time submission of a genuine attempt at written work or participation in assessments), you will be deemed to be de- registered and the Student Loan Company notified (where relevant).

In all cases, you will need to provide evidence in support of your declared reason for absence; without such evidence, your absence will not be authorised.

For the purposes of Student Route visa holder Attendance monitoring, authorised absences will not count towards periods of consecutive non- attendance. However, where a student continues not to attend after the period of authorised absence expires, the authorised absence will count towards the cumulative total absence calculation.

6 Faculties and individual Programmes may set more stringent requirements pertaining to Attendance. Where there is a Professional, Statutory or Regulatory Body (PSRB) requirement for attendance, the PSRB requirement supersedes the University's minimum expectation.

7 For apprenticeships, 100% attendance is a requirement for government funding and continuation on Programme. Apprentice Attendance will be monitored at each taught session. If an apprentice fails to attend a session, DMU will discuss this with their employer.

8 Where apprenticeship learning cannot be attended due to personal circumstances, alternative arrangements may be provided by DMU and agreed between apprentice, employer and programme leader. If an apprentice fails to engage with missed learning, or repeatedly misses further sessions, they may be removed from the Programme, or will be in breach of the Apprenticeship agreement.

9 For Student Route visa (including Tier 4) Students this policy is applied in addition to the University's UKVI Student Route Attendance Policy.2

10 Any Student who is de-registered for non-attendance will normally be permitted to apply to re-join the University after a period of two years from the point of de- registration.

11 Student Route visa Students who wish to appeal a Faculty's decision to terminate registration must show initial intent to appeal within five University working days of formal notification of the decision. Students should submit an Attendance Appeal Form to the Student Appeals and Conduct Officer (or nominee) . If no intent is shown within the five University working days, the University will begin processes of notifying UKVI.[3] Should a Student lodge an appeal, their Student status reverts to that of a registered Student until the outcome of the appeal is known.

12 Student Route visa Students will then have a further 16 University working days to submit a formal appeal in writing to the Student Appeals and Conduct Officer (or nominee).

13 Students on the Foundation in Art & Design (FIAD) Programme who wish to appeal the Art, Design & Humanities decision to terminate registration must show initial intent to appeal within 5 University working days of formal notification of the decision. FIAD Students will then have a further 16 University working days to submit a formal appeal in writing to the Student Appeals and Conduct Officer (or nominee), as above.

14 All other Students who wish to appeal a Faculty's decision to terminate registration must do so in writing to the Student Appeals and Conduct Officer (or nominee) (within 21 University working days of formal notification of the decision).

15 The Student Appeals and Conduct Officer (or nominee) will review the case to ensure proper procedure (as outlined above) was followed. Extenuating circumstances may be considered. Extenuating Circumstances are genuine circumstances beyond a Student's control or ability to foresee, and which seriously impair their ability to engage with/attend their teaching and learning. Their decision is final and not subject to review by any other University body.

16 All Students should note that periods of suspension, debt hold or debt exclusion are not grounds for seeking to appeal a decision to terminate registration on the grounds of non-attendance.

[1] Please see paragraph 4.6, Chapter 1 of these Regulations
[2] Please see paragraph 4.6, Chapter 1 of these Regulations
[3] Please see paragraph 4.6, Chapter 1 of these Regulations

Annex 2: Apprenticeships

Apprentices at DMU are subject to all standard Student regulations of the University, where applicable. Additionally, they are subject to the funding rules and eligibility rules of the Education Skills Funding Agency (ESFA) at the time of their enrolment onto the apprenticeship programme and the **Apprenticeship Agreement** between the Apprentice and their employer and the **Individual Learning Plan (ILP, which includes the embedded commitment statement),** which has been signed by the Apprentice, their employer and the University.

1 ESFA Funding Rules

1.1 The University retains the right to interpret the ESFA funding rules as it sees fit, to ensure that apprentices, employers and DMU remain compliant with up-to-date government rules.

1.2 If an apprentice/employer is deemed to be in breach of the ESFA funding rules, then DMU reserves the right to remove them from the apprenticeship programme. This includes, but is not limited to:

1.2.1 If an apprentice/employer is identified as falsifying any information provided to determine eligibility for a government funded apprenticeship, whether or not the information impacts on their eligibility for funding.

1.2.2 If an apprentice/employer is found to be failing to meet their responsibilities as outlined by the Apprenticeship Training Services Agreement (Contract for Services), the Apprenticeship Agreement, Commitment Statement or the Individual Learning Plan (ILP).

1.2.3 DMU retains the right where a change in apprentice/employer circumstances affects their eligibility for funding or conflicts with the ESFA funding rules, to address their ability to continue, which might include withdrawal from the apprenticeship.

2 Progression of Learning

2.1 In addition to academic learning, the apprentice is required to evidence work-based learning and engage with the University to demonstrate ongoing learning in compliance with ESFA funding rules. The University retains the right to remove an apprentice from the programme if:

2.1.1 the apprentice is unable to maintain relevant and on-going work- based evidence of their apprenticeship documented in their e- portfolio

2.1.2 the apprentice fails to demonstrate ongoing evidence of at least 20% Off the Job hours on an agreed schedule by the faculty, as this is required to achieve the Gateway stage prior to End Point Assessment

2.1.3 an apprentice fails to meet agreed deadlines as set out in improvement plans/objectives designed to bring their work-based evidence up to target

2.1.4 the apprentice and/or employer fail to engage with DMU through requested meetings. This could include (but is not limited to):

- Inductions
- Scheduled learning days
- Regular, scheduled progress reviews
- Governance meetings
- Intervention/support meetings

2.1.5 the apprentice fails to demonstrate a commitment towards completing end-point assessment.

2.2 Progression towards and attainment of, approved level 2 English and Maths qualifications is an important part of the apprenticeship programme. For those undertaking a level 3 or higher apprenticeship, it is a requirement that they hold or achieve an approved level 2 in both subjects before they can successfully complete the apprenticeship. Apprentices are required to have English and Maths qualifications equivalent to GCSE grade A* to C (or 9 to 4) or Functional Skills Level 2 to meet Gateway requirements and progress to End Point Assessment. Acceptable equivalents are set out in a published list on GOV.UK called ‘Acceptable current and prior equivalent qualifications for English and Maths minimum requirements in apprenticeship standards at level 2 and above’.

2.2.1 Apprentices will not be able to undertake their End-Point Assessment (EPA), complete their apprenticeship or receive their completion certificate until they achieve the relevant English and Maths Functional Skills qualifications or provide evidence to demonstrate that they have achieved the equivalent qualifications required. End-Point Assessment Organisations (EPAO), including DMU, where apprenticeships are integrated are required to confirm that the apprentice has met all the requirements of the apprenticeship including the English and Maths qualifications required by the Apprenticeship Standard.

2.2.2 Apprentices who provide acceptable evidence for Maths and English qualifications will be recorded as being exempt from having to complete Functional Skills however any apprentices who are unable to produce original certificates for English and or Maths are required by DMU to have achieved Level 2 Functional Skills qualifications within their first 12 months on programme. This is to ensure progress is not impeded, and the apprentice is able to progress.

2.2.3 Additionally, English and Maths skills development is an important element for all apprentices, including those who have existing certification. All apprentices are therefore required to undertake an Initial Assessment of English and Maths skills prior to programme start (using the BKSB Initial Assessment Tool). This initial assessment measures and captures the apprentices current working level and allows programme teams to complete the learner's Individual Learning Plan (ILP) and direct them to relevant materials/DMU services to ensure that all learners receive relevant support to improve these skills during their apprenticeship.

2.2.4 Certification demonstrates competency for the ESFA. For Ofsted, however, progress made from the starting position is of pivotal importance. This is why all apprentices undertake their BKSB Initial Assessment prior to being inducted onto programme, and improvement of these skills must be captured in their ILP, and discussed during quarterly tripartite progress review meetings.

3 Break in Learning

3.1 Apprentices may take a Break in Learning only if they will be inactive for 4 weeks or more and plan to resume their studies at a later date. The interruption (including the duration) must be expressly agreed by the University and the apprentice's employer.

3.2 If an apprentice intends to take a Break in Learning, the apprentice must notify their personal tutor and the Central Apprenticeship team immediately.

3.3 If there is any change to their circumstances or employment status, the apprentice must notify their personal tutor, faculty compliance officers immediately (contact details found in your Individual Learning Plan (ILP)

4 Student Finance

4.1 Apprentices are not eligible for Tuition Fee Loans. Tuition fees for apprenticeships will be paid by the Government and the apprentice's employer.

4.2 Apprentices are not eligible for Maintenance Loans. Apprentices are employed and must be paid at least the National Minimum Wage (Apprentice Rate) by their employer.

4.3 Apprentices do not automatically qualify for Council Tax Exemption.

4.4 Apprentices cannot claim Disabled Student Allowance (DSA) as there is separate funding for apprentices via the ESFA. The University can claim for learning support or exceptional learning support from the ESFA if an apprentice has a support need, however there is a fixed rate. The University cannot claim for capital costs. Further information for provision available can be found at gov.uk.:

Annex 3 - Student Route visa Students

3.1 Students sponsored by the University under the Student Route are subject to additional responsibilities. Where a Student fails to fulfil these responsibilities, the University will take appropriate action, up to and including withdrawal of Student Route sponsorship, which will lead to curtailment of the Student's Student Route visa by UKVI

3.2 Student Route visa Students must update the University of changes to their contact details or immigration status. Failure to respond to requests for confirmation of contact details will be deemed as Students not complying with a request from their Student Route sponsor and the University will withdraw sponsorship. Students should note that the locality of their home address is not an acceptable reason for missing University engagements.

3.3 It is the responsibility of the Student to ensure that they have valid, in- date permission to be in the UK. At any time during a Student's enrolment, should the University not be satisfied that a Student has valid permission to be in the UK, the University will withdraw sponsorship. Where there is failure to provide original documentation demonstrating valid leave, the University will assume the Student does not have valid leave and will take action accordingly.

3.4 The University will contact Students from time to time regarding issues relating to a Student's Student Route visa status. Failure to respond satisfactorily to requests for information will be deemed as the Student not complying with their Student Route sponsor, and the University will withdraw sponsorship.

3.5 Should the University have concerns about a Student failing to comply with any terms of their Student Route visa, such as excessive employment, the University reserves the right to report these concerns to UKVI and/or withdraw sponsorship.

3.6 The University will only maintain Student Route sponsorship where the Student is undertaking study with attendance. Where a Student is undertaking a period of study in which their attendance is not required, the University may withdraw Student Route sponsorship.

3.7 Where a Student's visa is due to expire during the period of study, the University will only issue a Confirmation of Acceptance for Studies (CAS) where the Student's attendance is required during the additional period of study.

3.8 The University's decision about a Student's Student Route sponsorship during a period of non-attendance is final and not subject to any other internal procedure.

Annex 1: Student Attendance Monitoring Policy

1 Students are required to be present at and engage with their studies in the manner dictated by the specifics of their programme of study. This policy applies to all taught Students at all levels of study.

2 Students are required to register their attendance at every taught session. Your attendance and engagement will be monitored weekly. Faculties will check the record at regular intervals throughout the year.

3 The University acknowledges that at times a Student's Attendance could be impacted by a disability or health condition. If a Student thinks this might result in Attendance concerns, they should contact the Disability team or the Wellbeing team to discuss whether there are approaches to support or adjustments which could be beneficial.

4 If you are a Student Route (including Tier 4) visa Student, you are not permitted to study the course remotely; you are therefore expected to attend all timetabled, in-person[1] teaching.

5 Unauthorised absence which causes concern to your Faculty will result in the following actions:

5.1 If your Attendance and/or online presence does not meet the above requirements for the period monitored, the Faculty will contact you. This correspondence will contain appropriate advice and guidance for you in relation to supporting your engagement with your studies.

5.2 Following the Faculty contacting you regarding your non-attendance, your Attendance will continue to be monitored. Should your Attendance not improve the Faculty will contact you again.

5.3 Upon receipt of a second communication regarding non-attendance, Student Route visa holders will be deemed to be de-registered and UKVI will be notified, unless:

5.3.1 A sufficient period of non-attendance authorised by the Faculty means that consecutive non-attendance has not exceeded the threshold permitted under this policy, or

5.3.2 A Student has successfully appealed their de-registration via the process set out in this document (paragraph 8)

For all other Students, if your relevant Attendance/presence online does not improve or you are not able to provide a satisfactory explanation for non-attendance/presence online or where there is insufficient evidence of other

[1] Defined as any teaching activity at which you must be physically present/attend in person i.e. not online.

academic engagement (such as on-time submission of a genuine attempt at written work or participation in assessments), you will be deemed to be de-registered and the Student Loan Company notified (where relevant).

In all cases, you will need to provide evidence in support of your declared reason for absence; without such evidence, your absence will not be authorised.

For the purposes of Student Route visa holder Attendance monitoring, authorised absences will not count towards periods of consecutive non-attendance. However, where a student continues not to attend after the period of authorised absence expires, the authorised absence will count towards the cumulative total absence calculation.

6 Faculties and individual Programmes may set more stringent requirements pertaining to Attendance. Where there is a Professional, Statutory or Regulatory Body (PSRB) requirement for attendance, the PSRB requirement supersedes the University's minimum expectation.

7 For apprenticeships, 100% attendance is a requirement for government funding and continuation on Programme. Apprentice Attendance will be monitored at each taught session. If an apprentice fails to attend a session, DMU will discuss this with their employer.

8 Where apprenticeship learning cannot be attended due to personal circumstances, alternative arrangements may be provided by DMU and agreed between apprentice, employer and programme leader. If an apprentice fails to engage with missed learning, or repeatedly misses further sessions, they may be removed from the Programme, or will be in breach of the Apprenticeship agreement.

9 For Student Route visa (including Tier 4) Students this policy is applied in addition to the University's UKVI Student Route Attendance Policy.[2]

10 Any Student who is de-registered for non-attendance will normally be permitted to apply to re-join the University after a period of two years from the point of de-registration.

11 Student Route visa Students who wish to appeal a Faculty's decision to terminate registration must show initial intent to appeal within 5 University working days of formal notification of the decision. Students should submit an Intent to Appeal Form to the Student Appeals and Conduct Officer (or nominee) (Email: attendanceappeals@dmu.ac.uk). If no intent is shown within the 5 University working days, the University will begin processes of notifying UKVI.[3]

[1] Please see paragraph 4.6, Chapter 1 of these Regulations
[2] Please see paragraph 4.6, Chapter 1 of these Regulations

Should a Student lodge an appeal, their Student status reverts to that of a registered Student until the outcome of the appeal is known.

12 Student Route visa Students will then have a further 16 University working days to submit a formal appeal in writing to the Student Appeals and Conduct Officer (or nominee) (Email: acasupportoffice@dmu.ac.uk).

13 Students on the Foundation in Art & Design (FIAD) Programme who wish to appeal the Art, Design & Humanities decision to terminate registration must show initial intent to appeal within 5 University working days of formal notification of the decision. FIAD Students will then have a further 16 University working days to submit a formal appeal in writing to the Student Appeals and Conduct Officer (or nominee), as above.

14 All other Students who wish to appeal a Faculty's decision to terminate registration must do so in writing to the Student Appeals and Conduct Officer (or nominee) (within 21 University working days of formal notification of the decision).

15 The Student Appeals and Conduct Officer (or nominee) will review the case to ensure proper procedure (as outlined above) was followed. Extenuating circumstances may be considered. Extenuating circumstances are genuine circumstances beyond a Student's control or ability to foresee, and which seriously impair their ability to engage with/attend their teaching and learning. Their decision is final and not subject to review by any other University body.

16 All Students should note that periods of suspension, debt hold or debt exclusion are not grounds for seeking to appeal a decision to terminate registration on the grounds of non-attendance.

Annex 2: Apprenticeships

1 Apprentices at DMU are subject to all standard Student regulations of the University, where applicable. Additionally, they are subject to the funding rules and eligibility rules of the Education Skills Funding Agency (ESFA) at the time of their enrolment onto the apprenticeship programme and the Apprenticeship Agreement between the Apprentice and their employer and the Individual Learning Plan (ILP, which includes the embedded commitment statement), which has been signed by the Apprentice, their employer and the University.

2 **ESFA Funding Rules**

2.1 The University retains the right to interpret the ESFA funding rules as it sees fit, to ensure that apprentices, employers and DMU remain compliant with up-to-date government rules.

2.1.1 If an apprentice/employer is deemed to be in breach of the ESFA funding rules, then DMU reserves the right to remove them from the apprenticeship programme. This includes, but is not limited to:

2.1.2 If an apprentice/employer is identified as falsifying any information provided to determine eligibility for a government funded apprenticeship, whether or not the information impacts on their eligibility for funding.

2.1.3 If an apprentice/employer is found to be failing to meet their responsibilities as outlined by the Apprenticeship Training Services Agreement (Contract for Services), the Apprenticeship Agreement, Commitment Statement or the Individual Learning Plan (ILP).

2.1.4 DMU retains the right where a change in apprentice/employer circumstances affects their eligibility for funding or conflicts with the ESFA funding rules, to address their ability to continue, which might include withdrawal from the apprenticeship.

3 **Progression of Learning**

3.1 In addition to academic learning, the apprentice is required to evidence work-based learning and engage with the University to demonstrate

ongoing learning in compliance with ESFA funding rules. The University retains the right to remove an apprentice from the programme if:

3.1.1 The apprentice is unable to maintain relevant and on-going work-based evidence of their apprenticeship documented in their e-portfolio

3.1.2 The apprentice fails to demonstrate ongoing evidence of at least 20% Off the Job hours on an agreed schedule by the faculty, as this is required to achieve the Gateway stage prior to End Point Assessment

3.1.3 An apprentice fails to meet agreed deadlines as set out in improvement plans/objectives designed to bring their work-based evidence up to target

3.1.4 The apprentice and/or employer fail to engage with DMU through requested meetings. This could include (but is not limited to):

- Inductions
- Scheduled learning days
- Regular, scheduled progress reviews
- Governance meetings
- Intervention/support meetings

3.1.5 The apprentice fails to demonstrate a commitment towards completing end-point assessment.

3.2 Progression towards and attainment of, approved level 2 English and Maths qualifications is an important part of the apprenticeship programme. For those undertaking a level 3 or higher apprenticeship, it is a requirement that they hold or achieve an approved level 2 in both subjects before they can successfully complete the apprenticeship. Apprentices are required to have English and Maths qualifications equivalent to GCSE grade A* to C (or 9 to 4) or Functional Skills Level 2 to meet Gateway requirements and progress to End Point Assessment. Acceptable equivalents are set out in a published list on GOV.UK called ‘Acceptable current and prior equivalent qualifications for English and Maths minimum requirements in apprenticeship standards at level 2 and above’.

3.2.1 Apprentices will not be able to undertake their End-Point Assessment (EPA), complete their apprenticeship or receive their completion certificate until they achieve the relevant English and Maths Functional Skills qualifications or provide evidence to demonstrate that they have achieved the equivalent qualifications required. End-Point Assessment Organisations (EPAO), including DMU, where

apprenticeships are integrated are required to confirm that the apprentice has met all the requirements of the apprenticeship including the English and Maths qualifications required by the Apprenticeship Standard.

3.2.2 Apprentices who provide acceptable evidence for Maths and English qualifications will be recorded as being exempt from having to complete Functional Skills however any apprentices who are unable to produce original certificates for English and or Maths are required by DMU to have achieved Level 2 Functional Skills qualifications within their first 12 months on programme. This is to ensure progress is not impeded, and the apprentice is able to progress.

3.2.3 Additionally, English and Maths skills development is an important element for all apprentices, including those who have existing certification. All apprentices are therefore required to undertake an Initial Assessment of English and Maths skills prior to programme start (using the BKSB Initial Assessment Tool). This initial assessment measures and captures the apprentices current working level and allows programme teams to complete the learner's Individual Learning Plan (ILP) and direct them to relevant materials/DMU services to ensure that all learners receive relevant support to improve these skills during their apprenticeship.

3.2.4 Certification demonstrates competency for the ESFA. For Ofsted, however, progress made from the starting position is of pivotal importance. This is why all apprentices undertake their BKSB Initial Assessment prior to being inducted onto programme, and improvement of these skills must be captured in their ILP, and discussed during quarterly tripartite progress review meetings.

4 Break in Learning

4.1 Apprentices may take a Break in Learning only if they will be inactive for 4 weeks or more and plan to resume their studies at a later date. The interruption (including the duration) must be expressly agreed by the University and the apprentice's employer.

4.2 If an apprentice intends to take a Break in Learning, the apprentice must notify their personal tutor and the Central Apprenticeship team immediately.

4.3 If there is any change to their circumstances or employment status, the apprentice must notify their personal tutor, faculty compliance officers immediately (contact details found in your Individual Learning Plan (ILP)

5 Student Finance

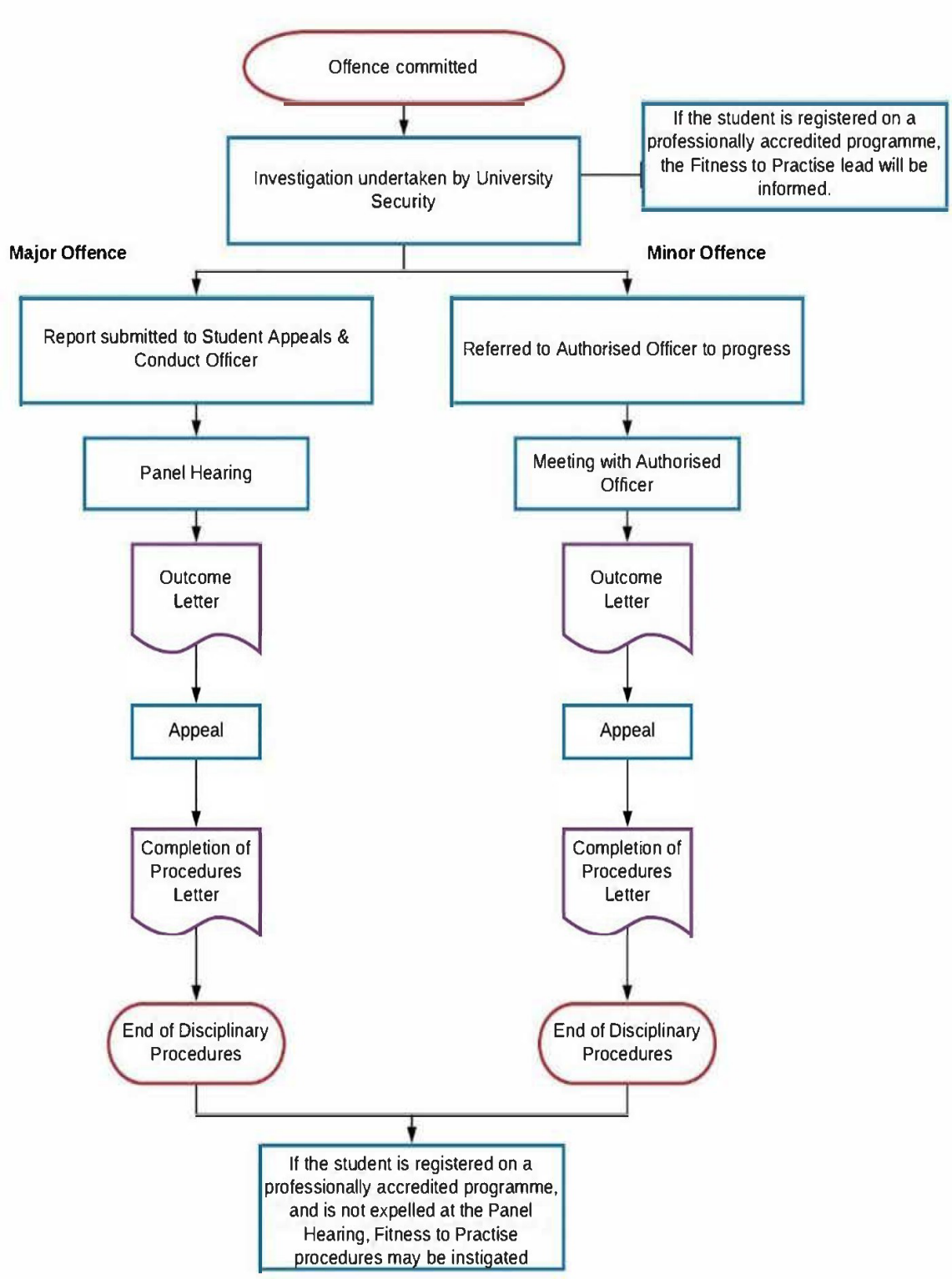
5.1 Apprentices are not eligible for Tuition Fee Loans. Tuition fees for apprenticeships will be paid by the Government and the apprentice's employer.

5.2 Apprentices are not eligible for Maintenance Loans. Apprentices are employed and must be paid at least the National Minimum Wage (Apprentice Rate) by their employer.

5.3 Apprentices do not automatically qualify for Council Tax Exemption.

5.4 Apprentices cannot claim Disabled Student Allowance (DSA) as there is separate funding for apprentices via the ESFA. The University can claim for learning support or exceptional learning support from the ESFA if an apprentice has a support need, however there is a fixed rate. The University cannot claim for capital costs. Further information for provision available can be found here: Access to Work: get support if you have a disability or health condition: What Access to Work is - GOV.UK

Annex 1 - Process of disciplinary procedure



Annex 2 - Recommended Timeline

Stage	Details	Recommended Timeline **
1	Notification of breach received by the University	
2	University Security inform Head of Student Appeals & Conduct, the relevant Head of School, and Fitness to Practise Lead (if applicable)	24 hours
3	Investigation conducted by University Security with Student statement taken and those of any other witness/es	10 University working days
4	Investigation report forwarded to Head of Student Appeals & Conduct for consideration	
5	Decision determining whether minor or major offence, to move to stage 6 or stage 7 made by Executive Director, of Student and Academic Services (or designate)	3 University working days
6	Minor Offence – case moves to stage 13	
7	Major Offence – case moves to stage 8	
8	Invitation to Panel Hearing	
9	Major Offence Panel Hearing – requirement for University to give 10 University working days' notice to Student	20 University working days
10	Major offence - outcome report issued with details of penalties	25 University working days from notification of breach
11	Major offence – Right of Appeal	
12	Major offence - Completion of Procedures Letter	
	Major offence – End of Process	
13	Minor offence - Outcome report issued with details of penalties	15 University working days from notification of breach
14	Minor offence – Right of Appeal	
15	Minor offence – Completion of Procedures Letter	
	Minor offence – End of Process	

****Recommended timeline**
Subject to change as a result of University closure days or events outside of the University's control, e.g. key Staff absence or police involvement.

Annex 3 - Procedures for the investigation of serious disciplinary offences and any subsequent disciplinary action for parts of the University based overseas or associate/franchise partners based in the UK or overseas

1. This procedure is to be used where it appears that a serious offence has been committed by any Student of the University studying either at a part of the University based overseas or any associate/franchise partner.

2. The categories of offences are set out Chapter 2 of these Regulations

3. Minor offences should be dealt with under the Minor Offences procedure (in Chapter 2 of the Regulations) if the Student is studying at a part of the University based overseas; and by the local partner regulations if the Student is studying at an associate/franchise UK or overseas partner.

4. The 'how' and 'who' should carry out the 'administration' of the disciplinary exercise; the letters to the Student convening the hearing, the notes of the hearing itself and the communication of the outcome/penalty to the Student are matters best left to each individual location to manage within its own administration. The relevant Partnership account manager will be the University's point of contact for this process.

5. When an allegation is made or an apparent disciplinary breach is found, a member of Staff in the location shall be charged with conducting a formal investigation into the allegation.

6. The member of Staff selected to conduct the investigation must be a senior member of Staff who does not have an academic relationship with the Student (i.e. they are not involved in the teaching or assessment of the Student). Wherever possible the same member of Staff will conduct all investigations at that location.

7. The investigation will be carried out under the advice/guidance of the University's Head of Security, or nominee based in the UK.

8. Having completed the investigation, the designated senior member of staff at the partner institution shall determine whether a Student should be subject to disciplinary action.

9. If it is decided that disciplinary action should be taken then the designated senior member of Staff (or their nominee) will instruct the investigating member of Staff to bring the charge formally against the Student.

10. A hearing shall then be convened in accordance with the procedure set out in the Partner Institute Regulations (the Student will be informed in writing according to the set timescales, providing them with copies of evidence, advising them of witnesses to be called and their rights of representation and requiring them to disclose their evidence, name of

witnesses and so forth).

11. Advice on any aspect of the operation/administration of this procedure can be sought from the Student Appeals and Conduct Officer.

Annex 4 - Student regulations for the use of information and communication technology and associated software and media.

1 The University wants Students to make best use of the Information Technology (IT) facilities it provides to support their learning and research. To do this the regulations below have been produced which cover the use of IT equipment, facilities and networks by all Students.

2 In addition, Students should be familiar with the following regulations, guidelines and codes of practice for IT use available in campus libraries, campus offices and on the University Internet pages.

- De Montfort University Principal Information Security Policy
- De Montfort University Code of Conduct
- De Montfort University Use of Information Systems Policy
- De Montfort University Network Management Policy
- De Montfort University Social Media Policy
- Janet acceptable use guidelines.

3 Any breach of the regulations, guidelines and/or codes of practice set out in point 2 above will be treated as a disciplinary offence.

4 The University retains the right to monitor all systems and networks used within or attached to the organisation or used on University premises.

5 Computer and communication systems

6.1 Students are only permitted to use University computing or communication systems or software for the purposes specified in their programme of study or research.

6.2 Without the specific and written agreement of the University, Students are not allowed to use University equipment, software or facilities for:

5.2 Consultancy or any other services leading to commercial exploitation of a product for personal gain

5.2 Work of significant benefit to a third party, including a Student's employer, whether permanent or for an industrial placement

5.2 The distribution or acquisition of software, data, documentation or media to or from any third party or parties

5.2 To gain access without permission and/or illegally to other systems either within the University or elsewhere

6.3 Students must take due care not to introduce computer viruses onto any of De Montfort University's computer systems. Anti-virus software, where provided by the University, must be used to screen any external software, data or other electronic communication or any media transfer

6.4 No computing or communication equipment, data, documentation or software may be borrowed, removed or modified without the written agreement of the University section or department responsible

6.5 The use of computing and communications facilities is subject to the provision of several legal Acts including the Data Protection Act, the Copyright, Designs and Patent Act, and the Computer Misuse Act. Offences against these and any other or subsequent legislation currently in force may be reported to the appropriate authorities for further investigation and possible prosecution

6 Software

6.1 Students will respect and fulfil the statutory and legal obligations pertaining to all University software, whether purchased, leased or otherwise obtained from a third party, or generated by any member(s) of Staff or Student(s) of the University.

6.2 Unless specifically stated otherwise, it will be assumed that the use of any software is restricted by copyright legislation making it an offence to:

6.2 Copy any software, data, documentation or media produced by a third party without their explicit permission to do so

6.2 Export software, data, documentation or media to any other computer system, whether or not that system belongs to De Montfort University

6.2 Modify any software, data, documentation or media produced by a third party without their express permission to do so

6.2 Install or download software, data, documentation or media onto any systems of De Montfort University without the explicit permission or instruction from the University Staff responsible for the system

6.2 To reverse engineer or decompile any third-party software, unless this is specifically permitted in the licence agreement or their permission has been obtained so to do

7 Audible devices

6.1 Students are required to ensure that all audible devices (such as mobile phones, smart watches, tablets or laptops) are turned off or switched to silent at all times when their use would be disruptive to the academic or administrative processes of the University.

6.2 Such devices must therefore be silenced, for example, during lectures, seminars, tutorials, laboratory classes, assessments and during

registration. They must also be silenced in all areas set aside for research or study and in areas set aside for Student administration such as enquiries and loan administration. They must also be silenced in the vicinity of such areas where required. Any official notices indicating that these devices must be turned off in a particular location must be complied with.

6.3 Any breach of this regulation will be dealt with as a minor offence, and any repetition will be dealt with as a major offence, under the provisions of the Disciplinary Procedure, except that non-compliance with this regulation in an examination will be regarded as an academic offence and will be dealt with under Chapter 4 of these regulations.

Annex 5 - Student placements

Students should also refer to and comply with any code of practice on Student placements and/or any regulations, procedures or provisions stipulated by the Faculty or the Programme

Provision for temporary withdrawal from placement

1 The Programme Leader (or deputy) or Faculty Authorised Officer may require a Student to withdraw temporarily from a placement if, in the view of the Programme Leader or Faculty Authorised Officer there is good and sufficient cause to do so. The Programme Leader or Faculty Authorised Officer shall, when requiring the Student to withdraw, provide a brief written statement outlining the reasons for the withdrawal. The withdrawal shall take place with immediate effect and shall be for no more than 7 calendar days.

2 The Programme Leader or Faculty Authorised Officer shall provide a full report of any such withdrawal to the Head of School and the designated senior member of Staff as soon as possible and within 24 hours unless reasonably prevented from so doing.

3 The Student shall have the right to make written representations to the designated senior member of Staff provided that those representations are received by the designated senior member of Staff within 4 calendar days of the temporary withdrawal.

4 Within 7 calendar days of the temporary withdrawal, the designated senior member of Staff (or their nominee) shall, after making such investigation as they see fit and considering any representations which may have been made, make a decision to Suspend the Student from placement or to take such other action under their general powers as they may decide, including discharging the temporary withdrawal.

5 The Suspension shall be reviewed every 4 weeks by the designated senior member of Staff who may confirm, revoke or vary the Suspension in the light of any developments or of any representations made by the Student or anyone on their behalf. If the Suspension is for more than 10 University working days' duration, the Suspended Student has the right of appeal, through written representation, to the Vice-Chancellor.

6 Notwithstanding the order of Suspension, the University shall not be prevented from taking disciplinary or Fitness to Practise action against the Student.

Annex 6 - Policy and guidelines on the misuse of illegal drugs including novel psychoactive substances

1 Policy statement

The possession, supply and production of drugs covered by the Misuse of Drugs Act 1971 is against the law. Many drugs not covered by the Misuse of Drugs Act (including some so called 'novel psychoactive substances') are controlled through other legislation such as the Medicines Act 1968, making their possession and/or supply without a licence unlawful. Accordingly, the University undertakes to deal with Students who commit such offences and who may thereby endanger themselves or others, or may bring the University into disrepute. In addition to this, however, the University recognises that it has a duty of care towards Students. It will therefore endeavour to restrict availability of dangerous or illicit substances at the University and provide health education and information about the dangers of illicit drug use and will refer those who need help to the appropriate support agencies.

2 Disciplinary issues

It is an offence under the Misuse of Drugs Act 1971 to possess, manufacture, produce, sell or give controlled drugs to another or to knowingly allow anyone to possess, use, manufacture, produce, sell or give controlled drugs to another. Other legislation creates offences such as possessing prescription drugs without a prescription and supplying certain drugs without a licence.
Disciplinary action will be taken against any Student who commits any such offence on University premises, or elsewhere in circumstances likely to endanger other Students or bring the University into disrepute.
Students registered on professionally accredited programmes and found to have engaged in the misuse of illegal drugs and 'legal highs' may be referred to the Fitness to Practise lead.

3 Reporting suspected drug use

Details of any suspected illegal drug use must be reported to the Head of Security or nominee so that, if appropriate, the matter may be referred to the Police for investigation[1].

[1] See Chapter 2, paragraph 4 of these Regulations.

4 Students in private accommodation

Any Student or member of Staff who becomes aware that Students in non-University accommodation are involved in the supply or use of a suspected illegal substance must report the matter to the Head of Security or Authorised Officer in order that the appropriate action may be taken. This may include disciplinary action and/or advising Students of the support and help available to them, and keeping the appropriate people informed.

Annex 7 - Weapons policy and practice

1 Weapons policy

6.1 Students or Staff of the University or their guests must not keep or use guns, firearms, ammunition, knives, catapults or other offensive weapons on University premises except for authorised purposes. For the purpose of this policy, any offensive weapon is one intended or adapted to cause injury.

6.2 Craft knives and sharp instruments for the authorised creation of coursework are permitted to be carried in accordance with the guidelines set out in paragraph 4.

6.3 Bladed articles carried for religious purposes are permitted in accordance with the guidelines set out in paragraph 6.

6.4 Bows and arrows used for archery are dealt with separately by this policy.

6.5 Students are not permitted to use firearms or other weapons as set out at 1.1 on University premises other than for authorised purposes.

2 Legislation and good practice

2.1 Staff and Students who use firearms for authorised purposes must be familiar with the relevant legislation as it relates to their practice, eg:

- The Firearms Act 1968
- The Criminal Justice Act 1988
- The Crossbow Act 1987
- The Offensive Weapons Act 1966
- And all other related legislation.

2.2 Weapons of any kind may be used for authorised purposes only when an approved instructor, firearms co-ordinator or firearms officer is present.

2.3 It shall be the responsibility of an individual to promptly inform the University's Head of Security (or nominee) if the Police withdraw a shotgun certificate or firearms certificate or similar licence, if that individual is holding or using firearms for authorised purposes on University premises. The University will require all Students using firearms for authorised purposes to sign an agreement that they are prepared to be vetted by the

University in liaison with the local Police to establish whether or not they are a prohibited person by virtue of the Firearms Act. Failure to sign this agreement debars a Student from using a firearm on University property. The University expects that the Students will comply with all storage requirements set by the Police/University when firearms are held on University premises. Students will comply with all storage requirements set by the Police/University when firearms are held on University premises.

3 Appeals

3.2 Appeals against any decision made in accordance with these provisions will be dealt with by the Appeals Committee, as outlined In Chapter 2, Part G of these Regulations.

4 Craft use

4.1 The University recognises that Staff and Students engaged in creative courses of study make use of bladed tools and equipment in the creation of their work. Staff and Students engaged in creative activities must abide by the rules of possession, transportation and use as set out below:

- Students will receive induction on the correct use of bladed instruments and tools as part of their workshop induction.
- Bladed instruments should only be used in designated workshops or learning spaces. The use of bladed instruments outside the designated areas is prohibited.
- All bladed instruments should be protectively covered when not in use and be covered at all times when being carried or transported. An additional case should be used when equipment is being transported away from the workshop area.
- Bladed instruments should not be left unattended on University property in any circumstances.
- Bladed instruments should not be modified in any way from their manufactured state and intended use.
- Spent craft knife blades should be disposed of in designated sharps collection boxes.

5 Sporting and recreational use

5.1 Staff and Students of the University who use firearms for sporting or recreational purposes off campus (e.g. a gun club) are required to keep

their firearms at a secure and approved venue which is off University premises.

6 Religious symbols

6.1 It is permitted for Staff and Students to carry bladed instruments for religious purposes, such as the ceremonial dagger known as the Kirpan which is carried by some members of the Sikh community.

7 Sporting equipment, such as Archery and Fencing

7.1 Archery may be conducted for sport and recreation on University premises. Staff, Students and guests of or visitors to the University may participate in organised archery events only if the requirements of the Grand National Archery Association are observed in respect of the holding, possessing, transit and use of archery equipment. Students who are resident on University premises and who wish to keep archery equipment on campus for use in organised events must sign their archery equipment into a gun room and must not hold or keep such equipment in residential accommodation or in vehicles. Such Students must obtain written authority from the University's Head of Security to bring archery equipment on to University premises.

7.2 Fencing may be conducted for sport and recreation on University premises. Staff, Students and guests of or visitors to the University may participate in organised fencing events only if the safety guidelines of British Fencing are observed in respect of the maintenance, holding, possessing and use of fencing equipment. Students who are resident on University premises and who wish to keep fencing weapons on campus for use in organised events must sign their fencing swords into a gun room and must not hold or keep such equipment in residential accommodation or in vehicles. Such Students must obtain written authority from the University's Head of Security to bring archery equipment on to University premises.

8 Monitoring and review of the policy and regulations in relation to actual and potential weapons

8.1 It is the responsibility of the Committee of Authorised Officers to monitor and review the application of regulations and policy relating to weapons on an annual basis.

9 Exemptions

9.1 In exceptional circumstances a Student may apply for exemption from the regulation concerning the possession of personal or privately-owned weapons on University premises, e.g. if they are a sportsperson who occasionally needs to carry firearms across University premises going to or from an external gun club. In such instances, a written application must be made to the Head of Security or nominee.

9.2 Any Student who is granted an exemption from the Regulation forbidding the holding, possession or use of personal or privately-owned weapons must carry the exemption at all times when the weapon(s) is/are on University premises.

10 Replica weapons

10.1 A Student may be permitted to possess and use replica firearms or other imitation weapons on University premises in connection with their course of study, for example for the purposes of a dramatic performance or piece of artwork, provided they have written permission from their Faculty Dean obtained at least 5 University working days in advance. The Dean will, in deciding whether to grant permission or to set certain conditions or limitations on the use of such weapons, consult with the Head of Security. In any event, a copy of the Dean's written permission must be lodged with the Head of Security at least 5 University working days before the weapon is brought onto University premises. Permission will need to be sought for each and every instance that a replica weapon is intended to be brought onto University premises.

10.2 The granting of such permission does not remove from the Student any criminal implications in relation to the possession of replica firearms or other imitation weapons in a public place.

Annex 8 - Fitness to Practise Procedures

1 Introduction

1.1 The University expects all Students registered tpmeet the behavioural and professional standards of the profession they are studying to enter, whilst maintaining adherence to the behavioural standards expected by DMU.

1.2 Programme teams will provide further information about the standards of behaviour expected of Students training for a particular profession. It is the Student's responsibility to familiarise themselves with the provisions and requirements of the relevant professional body.

1.3 Students on such courses whose behaviour and/or health raises any other concerns about their fitness to practise may be subject to the HLS Fitness to Practise procedures found here: 2021 HLS Fitness to Practice Procedure (dmu.ac.uk)

1.4 A Student subject to such procedures may be accompanied at all meetings by a Student's Companion (as defined in the Glossary to these regulations)

2 Suspension from theory and/or practice

2.1 In cases where it is believed that there is good and sufficient cause to suspend a Student from placement, the procedure set out in Chapter 2, Annex 5 of these Regulations shall be followed.

2.2 In cases where it is believed that there is good and sufficient cause to suspend a Student from attending theory classes or from the University or other facilities and activities, the procedure set out in Chapter 2, paragraph 16 of these Regulations shall be followed.

2.3 In both cases, if the suspension is for more than 10 University working days' duration, after this time the Suspended Student has the right of appeal, through written representation, to the Vice-Chancellor.

3 Fitness to Practise Panel Procedure Summary

(The full procedure can be found in the document link in paragraph 1.3)

3.1 The Fitness to practise panel consists of:

- Chair (Head of School or Associate Head of School from a School within the Faculty of Health and Life Sciences but not from the School in which the student is enrolled)
- A senior registered practitioner from the same discipline as the student under investigation
- A lay member (a person who is not a registrant with any of the Professional Regulatory Statutory Bodies)
- A member of academic staff who is a registrant from the same discipline and School as the student under investigation. Where this is not possible due to lack of opportunity or availability (for example for Trainee Nurse Associates) a senior registered practitioner from the same Professional Regulator will attend.

3.2 All members of the Fitness to Practise panel shall be present at a hearing.

3.3 In attendance (and not part of the decision making process):

- An administrator to ensure the meeting runs smoothly, records the hearing and takes minutes.
- The Investigator, to present the case.
- The Student under investigation
- The Student Companion.
- Witnesses as required.

4 Fitness to Practise Panel Proceedings

4.1 Chair welcomes the Student under investigation, panel members, administrator, investigator and the Student Companion.

4.2 The Chair will explain the process of the panel hearing and inform the studentof the issues giving cause for concern

4.3 All attendees will introduce themselves including the capacity in which theyare sitting.

4.4 The investigator will present the case.

4.5 The panel members will ask the investigator any points requiring clarification

4.6 The Student will present their response.

4.7 The panel members will ask the Student any points requiring clarification.

4.8 The Student may ask questions of any individuals present.

4.9 All questions must be for the clarification of matters of fact and should be addressed through the panel Chair

4.10 The chair will ask the Investigator whether there have been any inconsistencies in the Student's responses and whether the Student has volunteered any new information during their discourse.

4.11 The Investigator is dismissed.

4.12 The Student and companion will retire for the panel's deliberations.

5 Panel Deliberations

5.1 Panel deliberations and decision making are in private

5.2 The panel will consider the evidence before them and make their decisions in this order:

- whether the individual charges are proven or not proven
- whether fitness to practise is impaired
- determine the most appropriate and proportionate sanction.

5.3 The civil standard of proof is used by the panel; that is proof on the balance of probabilities. A fact will be established if it is more likely than not tohave happened.

5.4 The panel will take account of the Student's learning and ability to reflect on their behaviours when making their decisions.

5.5 The decisions of the panel shall be taken by simple majority. Where the votes are equal, the panel shall decide the issue under consideration in favour of the Student.

5.6 The Student and companion return to thepanel to hear the outcome.

5.7 The panel chair presents the panel's decisions in relation to whether allegations are proven, whether fitness to practise is impaired and the outcome of the hearing.

5.8 The Student and companion leave.

5.9 Panel hearing closes.

6 Outcomes

6.1 The panel has discretion to make any decision appropriate and proportionate to the circumstances, wherever possible with the Student's agreement. Such decisions may include:

- permitting the Student to continue on the programme with no further action required;
- permitting the Student to continue on the programme under close supervision; (the details of this will be determined by the panel and may include a conditions of practice order)
- requiring any other action considered appropriate, for example referral to an Occupational Health specialist;
- recommending that the Student re-take part of their programme including the assessments;
- recommending that the Student takes a leave of absence with return to study subject to conditions;
- recommending that the Student should be suspended for a defined period of timewith return to study subject to conditions;
- recommending that the Student should be dismissed from the programme as unfit to practise.

This list provides examples and is not exhaustive.

7 Appeal against a decision of the Fitness to Practise Panel

7.1 A Student has the right of appeal against the decision of the Fitness to Practise Panel on certain grounds only. The grounds for appeal and the appeal process are explained in Part G Chapter 2 of these Regulations. Appeals must be submitted within 10 University working days of the date of the outcome letter.

7.2 An appeal panel will review the original outcome and penalty(ies) imposed to ensure process was followed and the outcome appropriate to the case. They will not re-hear a case.

7.3 In the event of an appeal, the decision of the Fitness to Practise panel will not be carried out until the appeals process is concluded.

7.4 The Chair of the Disciplinary Appeals Committee may dismiss an appeal without holding a hearing on consideration of the appeal papers if in their reasonable opinion it appears that the grounds of appeal are

so lacking in substance that further consideration would not be justified. The decision of the Chair is final and not subject to review by any other University panel.

8 Fitness to Practise Disciplinary Appeals Committee

8.1 In cases where the Student is registered on a programme leading directly to a professional qualification or the right to practice a particular profession or calling, a member of the relevant practice area or profession will act as an additional member of the Fitness to Practise Disciplinary Appeals Committee. The Fitness to Practise Disciplinary Appeals Committee consists of:

- A member of the Board of Governors who shall be the Chair;
- Another external Governor or recently retired Governor; and
- A Designated Senior Member of Staff
- A qualified registrant from the same profession. Where this is not possible due to lack of opportunity or availability (for example for Trainee Nurse Associates) a senior registered practitioner from the same Professional Regulator will attend.

8.2 No person who has been previously consulted or involved in the particular case shall act as a member of the Fitness to Practise Disciplinary Appeals Committee.

8.3 The Fitness to Practise Disciplinary Appeals Committee may dismiss the appeal and confirm the penalty imposed, or it may uphold the appeal and instruct a new and impartial Fitness to Practise hearing be held, returning the Student to the previous point in the process.

8.4 In the event of a new Fitness to Practise panel hearing, the Student will have the right to appeal the outcome of the new panel.

9 Dismissal from a programme of study

10.1 Where it is proven that a Student has acted in such a way as to render them unfit to practise the profession to which that Student's programme directly leads, the Student will not be permitted to continue on that programme. In such cases the University reserves the right to inform the relevant professional or regulatory body of the outcome and the reasons for the Fitness to Practise Committee's decision.

10.2 Students who are dismissed from their programme as unfit to practise will not be permitted to re-register onto the programme from which they

have been dismissed. The University reserves the right to decline applications to other programmes leading to:

- registration with a professional body
- to a professional qualification
- or the right to practise a particular profession when the Student has previously been dismissed from their programme as unfit to practise

10.3 The University has a statutory duty to refer a Student to the Independent Safeguarding Authority, the Disclosure and Barring Service and other relevant external stakeholders where that Student has been dismissed from training because their behaviour is believed to pose a risk of harm to children and/or other vulnerable people. Only the designated senior member of Staff may make such a referral on the recommendation of the Fitness to Practise Committee.

10.4 A Student whose registration with the University has ended due to fitness to practise will not be permitted to re-apply for entry to the University within two years and would not normally be admitted onto an accredited programme; please see academic regulations on our website.

10.5 The Student will be permitted to transfer to another programme within the University provided that:

- the Student meets the required entry requirements for the new programme;
- there is a place available on the new programme; and
- the Student is accepted as a suitable candidate by the new programme's owning faculty.

Annex 9 - Process for dealing with suspended Students facing a criminal investigation

(See Chapter 2, paragraph 16) Where the investigation or, the remand to Court, involves a delay that will adversely impact on the ability of the Student to continue with studies

1. In every case of suspension of a Student during discipline proceedings, the suspension will be based upon a risk assessment that highlights any direct or indirect risks to other Students or Staff, the individual or to the University and its resources.

2. Consideration is given to whether the University can mitigate such risks by using partial suspension (bespoke mitigation measures) or full suspension.

3. The University's position is to wait for the completion of any criminal investigation before concluding its own disciplinary investigation. This avoids any potential interference with the Police process and/or obstructing the justice process. It also avoids University personnel subsequently becoming witnesses in the following criminal proceedings.

4. The criminal proceedings can cause substantial delays and, may have an unintended prejudicial effect upon the suspended Student

5. The purpose of the University Disciplinary Committee (UDC) is to review evidence presented and to evaluate whether there is sufficient evidence to suggest that the Student attending is fit and appropriate to continue as a Student at the University. The outcome may lead to exclusion from the University. This is decided upon on the balance of probabilities. This is a lower level of proof than that of criminal proceedings.

6 Process Options

6.1. There is an option for the suspended Student under investigation to withdraw from their studies at the University. Any further application to the University would be considered in the light of evidence gathered and available to the University, together with the Students response. Please be aware that should a Student re-apply there is a potential that the University will re-instigate any outstanding disciplinary procedures.

6.2. There is an option for the University to conduct its investigation at the same time as the Police where a Student is suspended and, the University already believes that it has sufficient evidence, aside from any criminal charges or proceedings, to pursue a presentation to the UDC. Consideration of this option should occur at the earliest opportunity in order that the procedures

may be conducted swiftly and fairly by the University. Advice from the Police investigating officer must be sought.

Chapter 2 Student discipline[1]

Students subject to this procedure may ask the Office of the Independent Adjudicator for Higher Education (OIA) to review their case but only after the University's procedure has been exhausted. Information on the OIA scheme can be found at http://www.oiahe.org.uk.

Part A: Introduction, Definitions and General Principles

1. Introduction

1.1 The University's disciplinary rules and procedures as set out in this Chapter 2 of the University's General Regulations (referred to hereafter as the Disciplinary Procedure) apply to all registered Students of the University. In addition, Students attending De Montfort University programmes in franchise, or associate colleges or undertaking placement(s) with approved providers as part of their programme will be subject to codes of conduct and disciplinary regulations in force in the college or placement provider in accordance with paragraph 1.8 of this Chapter 2.

1.2 If the Disciplinary Procedure is instigated when a Student is registered, but the process is not completed by the time of the final assessment board, the University reserves the right to consider the evidence and reach an outcome which may impact on a Student's attendance at graduation. The Student may attend the hearing as de-registered and has a right to respond.

1.3 The use of the Disciplinary Procedure against a Student is a serious matter. Any Student subject to the Disciplinary Procedure is strongly advised to seek assistance from the Students' Union.

1.4 The Vice-Chancellor may delegate to a Designated Senior Member of Staff their powers under the Disciplinary Procedure, generally or in respect of a particular case.

1.5 A Student will be deemed to have been notified of any actions arising from the operation of the Disciplinary Procedure within 2 University working days of a letter of notification having been sent together with any supporting information to the Student's De Montfort University Student email account and any personal email addresses they have provided, via a secure emailing service.

[1] Advice on the implementation of all aspects of Student discipline may be obtained from Student and Academic Services

1.6 Penalties should be appropriate to the offence committed and decided only in accordance with the Disciplinary Procedure. All decisions made under the Disciplinary Procedure shall be made only by those persons with authority to do so. No negotiations or discussions between the University and the Student shall take place outside the processes set out in the Disciplinary Procedure.

1.7 In circumstances where a Student demonstrates concerning behaviour for which it would be inappropriate to take disciplinary action under the Disciplinary Procedure, the procedure set out in Chapter 3 of these Regulations may be followed.

1.8 For Students registered with the University studying as apprentices, at partner institutions or private providers, or undertaking placement with approved providers as part of their programme the following shall apply:

1.8.1 Any academic disciplinary procedures affecting Student performance or progression shall be dealt with under De Montfort University's General Regulations and Procedures Affecting Students in force at the time.

1.8.2 The University's General Regulations and Procedures Affecting Students shall apply in all cases apart from minor matters concerning the use of the provider premises or facilities, in which case local partner regulations shall take precedence.

1.8.3 Expulsion or suspension of a Student can only be invoked through the University's General Regulations and Procedures Affecting Students in force at the time.

1.8.4 In disciplinary cases considered under provider regulations findings against Students shall be reported by the Head of the partner institution to the appropriate Authorised Officer (for minor offences) or the Clerk to the Disciplinary Committee (for major offences) who shall then inform the appropriate Dean of Faculty.

1.8.5 Major offences committed at partner institutions overseas, or parts of the University based overseas, will be dealt with under the procedure set out in Annex 3.

1.8.6 Where a Student is registered on a programme leading directly to a professional qualification or the right to practise a particular profession, for example Nursing, any breach of the Disciplinary

Code which might render that Student a person not fit to be admitted to and/or practise that profession or calling, may also

be considered under the Faculty Fitness to Practise Procedure: HLS Fitness to Practice Procedure (dmu.ac.uk)

2. Definitions

2.1 The Disciplinary Procedure shall apply on campus and off campus whilst a registered Student of the University, and subject to paragraph 1.8 of this Chapter 2, shall cover De Montfort University Students and apprentices at partner institutions.

2.2 Definitions and some examples of minor and major offences are given in Paragraphs 7 and 13 below.

2.3 For the purposes of the Disciplinary Procedure criminal convictions shall include convictions in court, police cautions and restorative cautions justice outcomes, fixed penalty notices, out of Court Disposals by the Police such as Community Resolutions, or any other criminal justice outcome, including but not exclusive to, any offence involving violence, antisocial behaviour, drunkenness, dishonesty or drugs, and contravention of government health and safety guidelines.

3. General principles

3.1 Whenever the Disciplinary Procedure is used the following general principles shall apply.

3.1.1 Disciplinary incidents may be identified by Staff, Students, placement providers, or members of the public. Any person who has reason to believe that a Student has breached the Disciplinary Code set out in Part C of this Chapter 2 should notify the Head of Security (or nominees) (Email: security@dmu.ac.uk).

3.1.2 Each case should be addressed as promptly and efficiently as possible and at the level appropriate to the nature of the offence.

3.1.3 There should be consistency of approach across the University in relation to major and minor disciplinary cases.

3.1.4 Each case should be handled fairly and equitably with due regard to the individual circumstances of each case.

3.1.5 It is accepted that in addressing cases of Student discipline, issues relating to the pastoral care and welfare of the Student may arise and that these shall be handled with sensitivity.

3.1.6 PVC/Deans of Faculties will be fully informed of all disciplinary matters affecting Students within their respective areas of responsibility and will keep a record of Students who have been found to have committed disciplinary offences, for the duration of that Student's registration with the University.

3.1.7 For the purpose of the Disciplinary Code, standard of proof is the balance of probabilities.

Part B: Criminal offences

4. Criminal offences

4.1 Where it comes to the University's attention that a Student has been convicted of[2] or is being investigated by other authorities for a criminal offence or has been formally charged with a criminal offence or has received a criminal justice outcome which took place prior to any period of registration with the University and was not disclosed to the University, such a Student may be subject to disciplinary action under these regulations. This would be the case when the offence is of such a nature that the University reasonably believes that the presence of the Student in the University is likely to put the safety or wellbeing of other members of the University at risk or that the offence, if proven, renders the Student unfit to be admitted to and practise any particular profession or calling to which that Student's programme directly leads.

4.2 Such Students may also be subject to the provisions of Chapter 1, paragraph 2.5 of these Regulations. Students registered on programmes leading directly to a professional qualification or the right to practise a particular profession or calling, may also be subject to the Faculty Fitness to Practise Procedure. (see Annex 8 of this chapter)

4.3 Where the Head of Security (or nominees) suspects that a Student may have committed a criminal offence, the Head of Security (or nominees), after consultation with the designated senior member of Staff, will normally report the matter to the police. In reaching that decision, the University will take into account the opinions of those who might be directly affected but it will not be bound to accede to the wishes of any other person.

[2] See definition at Chapter 2, paragraph 2.3 of these Regulations

4.4 Whether or not a Student suspected of committing a criminal offence has been reported to the police (or other relevant authority), the University may deal with any offence against the Disciplinary Code arising out of the same allegations in accordance with the Disciplinary Procedure.

4.5 The fact that the Police, Crown Prosecution Service or other relevant authority is unable or unwilling to proceed does not preclude the University from taking its own disciplinary action.

4.6 Where a Student is charged with a criminal offence, has received a criminal justice outcome, or has been dealt with by the Police as set out in paragraph 2.3 above, they are required to report the matter formally and immediately to the Head of Security (or nominees). The matter will then be dealt with in accordance with the Disciplinary Procedure.

4.7 In serious cases and in cases where the Student concerned has been suspended from the University under the Disciplinary Procedure the Head of Security (or nominees) will discuss with the Police, the Crown Prosecution Service or other relevant authority whether in their opinion it would be appropriate for the University to conduct an investigation prior to the completion of criminal proceedings in the Courts.

4.8 The decision to proceed with or suspend an investigation shall be made by the Head of Security (or nominated Deputy) after consultation with the Designated Senior Member of Staff.

4.9 Notwithstanding the University's right to deal with any offence against the Disciplinary Code, the University may defer action under the Disciplinary Procedure if to proceed might in any way hinder a criminal investigation or prejudice the fair trial of the Student concerned. The decision to defer an investigation shall be made by the Head of Security (or nominees) after consultation with the relevant external authorities. The University recognises that any offence which may attract a community penalty or custodial sentence should normally be dealt with initially by the courts.

4.10 Following a criminal conviction[3], if it has not already done so, the University may then continue with its own hearing. The court's verdict or the circumstances in which the caution was issued shall be taken into account in so far as they are relevant. The disciplinary hearing shall not become a re-run of a trial. There is no impediment to the imposition of a penalty by the University following a criminal conviction; however, the

[3] See definition at Chapter 2, paragraph 2.3 of these Regulations.

penalty imposed by the Court or police shall be taken into consideration by the University in deciding its own penalty.

4.11 Where the University becomes aware that a Student has been convicted of a criminal offence which is not already subject to a disciplinary investigation, for example an offence which took place off campus which has been reported in the press, the University will take action as follows.

4.11.1 Where the Courts have imposed a custodial sentence, including suspended sentences, the Student shall be immediately suspended by the designated senior member of Staff pending a review by the Chair of the Disciplinary Committee of written submissions. The Chair will decide what penalty, if any, is to be imposed, taking into account any written statements in mitigation. Expulsion would be the normal penalty in cases where the Chair believes the offence has rendered the Student unfit to be a member of the University community (see paragraph 5.4). Expulsion will be automatically imposed if the Student fails to make written representations within 10 University working days unless the Chair is satisfied that there are exceptional circumstances why the Student could not respond within the timescales. Exceptionally, in cases where the nature of the offence poses significant risk to members of the University community, the Chair will decide on penalty, without mitigation from the Student.

4.11.2 Where a non-custodial sentence has been imposed following a criminal conviction, the Head of Security (or nominees) will provide a case report to the Designated Senior Member of Staff. They will decide whether the case should be referred to the relevant Authorised Officer (who would normally give the Student a written warning as to future conduct), or to the Disciplinary Committee, in which case they will consider whether a suspension should also be imposed. For Students who are registered on programmes leading directly to a professional qualification or the right to practise a particular profession or calling, The Head of Security should inform the relevant Head of School and Faculty Fitness to Practise Lead.

4.11.3 Such Students have the usual right of appeal to the Disciplinary Appeals Committee.

Part C: The Disciplinary Code

5. The Disciplinary Code

5.1 Breaches of the disciplinary code set out in this Part C (the Disciplinary Code) will be dealt with under the appropriate section of the Disciplinary Procedure depending on whether the University determines them to be of a minor or major nature.

5.2 The Disciplinary Code applies when Students are away from the University premises, including (but not limited to) in the following circumstances:

- taking part in University activities related to a course of study e.g. DMUGlobal trips, field trips, placements, study visits;
- representing the University, e.g. at sporting or cultural events;
- being involved with University and Student Union sports and social groups activities, such as meetings, socials and events;
- taking part in voluntary activities recognised by the University e.g. DMULocal;
- using the University's services remotely, e.g. University IT services;
- using social media (please refer to the Student Social Media Policy);
- in the community, if misconduct may harm the University community or damage the University's reputation, e.g. antisocial behaviour towards neighbours or in public;
- whilst on placement.

5.3 The standard of proof used by the University will be that adopted by Civil law proceedings known as the Balance of Probabilities. To prove an offence, evidence must be used to demonstrate that the alleged actions are more likely to have occurred than not. An offence is deemed to have been proved if on the balance of probabilities the facts of the alleged breach, are successfully demonstrated, i.e. that on the basis of the evidence available, then it is more likely that the alleged breach occurred than not. The following shall constitute misconduct under the Disciplinary Code:

5.3.1 Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere as detailed in point 5;

5.3.2 Behaviour and /or communication that causes to harm to another or, harms their reputation, or causes them to feel harassed, alarmed or distressed;

5.3.3 Behaviour and/or communications online that causes harm to another or, harms their reputation, or causes them to feel harassed, alarmed or distressed. For example through social media, or the Universities Virtual Learning Environment (VLE);

5.3.4 Falsifying or sharing misinformation with third parties or online, including on social media, regarding the University which may bring the University into disrepute. (please refer to the Student Social Media Policy);

5.3.5 Obstruction of, or improper interference with, the functions, duties or activities of any Student, employee of the University or any authorised visitor to the University;

5.3.6 Uses verbal, physical or written behaviour toward any Student, person working for or on behalf of the University or Students' Union, a visitor, or member of the local community, which is Abusive, Threatening, Coercive, Manipulative, Violent, Indecent, Disorderly or Offensive. This includes but is not limited to: writing or publishing material on social media or websites. This offence is aggravated further if the behaviour relates to a real or alleged protective characteristic of the victim as set out in 5.3.11.

5.3.7 Sexual misconduct which includes, but is not limited to: engaging, or attempting to engage in a sexual assault, a sexual act with another individual without consent, showing body parts to another person either in person or electronically in a sexually inappropriate way, recording, retaining or sharing sexual images / recordings of another person without their consent, inappropriate and unwanted sexual comments or behaviour. For further examples please see the University's No Space for Hate policy: No Space for Hate (dmu.ac.uk) and the Sexual Misconduct Policy: Sexual Misconduct Policy 2022 (dmu.ac.uk)

5.3.8 Fraud, deceit, deception or dishonesty in relation to the University or its Staff or in connection with holding any office in the University or in relation to being a Student of the University,

or that cause harm to Students, Staff, visitors or to the University through loss of money, opportunity or reputation;

5.3.9 Action likely to cause injury or impair safety;

5.3.10 Behaviour which in the reasonable opinion of the designated senior member of Staff or relevant Authorised Officer is likely to be regarded as discrimination, harassment or victimisation

including racial or sexual harassment and harassment on the grounds of disability of any Student, employee of the University or the De Montfort Students' Union or any authorised visitor to the University. In this context harassment means any behaviour or action, spoken or written words, directed at a specific person, or group of people, which is offensive or perceived as offensive. For further examples please see the University's No Space for Hate policy.

5.3.11 Behaviour which is motivated by hostility or prejudice based on protected characteristics:

- age
- disability
- gender reassignment
- marriage and civil partnerships
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Occurrences in relation to section 5.3.11 will be recorded and investigated as a hate incident;

5.3.12 Behaviour which can be considered as bullying. Bullying is offensive, abusive, intimidating, malicious or insulting behavior, or an abuse or misuse of power, which undermines, humiliates, denigrates or injures the recipient;

5.3.13 Damage to, or defacement of, University property or the property of other members of the University community, or the local community caused intentionally or recklessly and misappropriation of such property;

5.3.14 Misuse or unauthorised use of University premises or items of property (including computer misuse);

5.3.15 Misuse or unauthorised use of the University's intellectual property (including the sale of essays or unauthorised sale of

other work produced by a Student as part of their programme with the University[4]);

5.3.16 Conduct which constitutes a criminal offence (including conviction for, or being formally charged with, an offence[5]) where that conduct or the offence is such, in the reasonable opinion of the University, as to render the Student unfit to continue as a member of the University community;

5.4 The following are examples of factors which might be taken into account when considering whether conduct covered under 5.3 has rendered a Student unfit to continue in the University:

5.4.1 if the offence took place on University premises
5.4.2 If the offence took place online or in a public space
5.4.3 if the offence affected or concerned other members of the University community
5.4.4 if the offence damaged the good name of the University
5.4.5 if the offence in itself constitutes misconduct within the terms of this Code
5.4.6 if it is an offence of dishonesty, where the Student holds an office of responsibility in the University
5.4.7 if the Student presents an ongoing risk to the University community

5.5 Behaviour which could bring the University into disrepute; this may include the misuse or consumption of alcohol, “legal highs” or other psychoactive substances. This includes but is not limited to, any misbehaviour that may occur whilst Students are undertaking overseas travel as part of the #DMUglobal programme of events;

5.6 Possession, supply and/or production (or any attempt to do so) of illegal drugs and/or “legal highs” or other psychoactive substances;

5.7 Initiation Ceremonies, and the attributed behaviours, of any kind are forbidden at De Montfort University. In this context, initiations are any activity expected of someone joining or participating in a group that humiliates, degrades, abuses or endangers them, regardless of a person’s willingness to participate; for the purpose of gaining formal

[4] See Chapter 13, paragraphs 1 and 2 of these Regulations. See also Chapter 4 of these Regulations. Such misuse may also be regarded as an academic offence if there is any evidence of collusion, plagiarism or other inappropriate use.
[5] See definition at Chapter 2, paragraph 2.3 of these Regulations.

membership or access to any kind of sports clubs, societies or Students groups; for gaining the award of an emblem or other status with a sports club, society or Student group, or gaining any other status, honour, prestige or notoriety within the sports club, society or Student group. Any Student who is proved to be involved in initiation behaviours, and/or the planning and preparation of an initiation ceremony or who participates in the improper coercion or manipulation of Students, during an initiation ceremony, will be found to be in breach of the University Disciplinary Code, whether under the influence or not of any intoxicating liquids and/or substances;

5.8 Failure by the Student to disclose their name or other relevant details, including providing, false details, or failing to provide their Student registration card, to any Staff member of the University in circumstances when it is reasonable to require that information be given[6];

5.9 Knowingly allowing the misuse or unauthorised use of a Student ID card or Student log in by another Student or another person; this may include (but is not limited to) unauthorised entry into the Library, attendance at online sessions or any other University facilities;

5.10 The card must be produced and surrendered to any member of University Staff and/or a member of security Staff requesting it. Failing to hand over the Student ID card when requested is a disciplinary offence;

5.11 All Students (and visitors) must comply with a reasonable request to leave an area, room or building upon the request of a member of University Staff;

5.12 Failure by the Student under investigation to co-operate with the University, its officers or employees in the investigation of an alleged breach of the Disciplinary Code, and in any subsequent disciplinary proceedings. Any Student who assists, aids or abets the commission of a discipline offence by another or, assists another to avoid or escape detection following the commission of an offence, will be treated as if they have committed the substantive disciplinary offence;

5.13 Failure to comply with University instructions, regulations and codes of practice for the use of all University equipment, services, property and facilities such IT systems, lifts, telephones, car parks, displays and exhibitions;

[6] See Chapter 1, paragraph 2.3 of these Regulations.

5.14 Failure to comply with all instructions, regulations and codes of practice in operation at any organisation where the Student may be placed as part of their programme of study;

5.15 Failure to comply with terms and conditions set out in a contract for University-managed or nominated accommodation;

5.16 Failure to immediately notify the Head of Security (or nominees) of either a criminal conviction[7] which has not been spent under the Rehabilitation of Offenders Act 1974 or any investigation which might lead to a criminal conviction[8], including being formally charged with such an offence by the police;

5.17 Failure to comply with any additional rules, regulations and codes of practice of the University made by the Vice-Chancellor and approved by the Board of Governors, including, but not restricted to, in relation to the following:

- Fitness to Practise
- Ethical approval for research projects
- Freedom of Speech
- Faculties and Departments
- University owned or managed Student Accommodation
- Fire and emergencies
- Health and safety
- Libraries and learning spaces
- Licensed bars on University premises
- Smoking
- Computer and other information technology
- Placements
- Illegal drugs or “legal highs”
- Weapons
- Students whose behaviour causes concern
- No Space for Hate
- Social Media
- Sexual misconduct

5.18 Failure to comply with a penalty previously imposed under the Disciplinary Code by an Authorised Officer or the Disciplinary Committee. Should a matter arise which the Student considers to justify non-compliance or delay in compliance they should immediately inform the Authorised Officer (who will inform the Clerk to the Disciplinary

[7] See definition at Chapter 2, paragraph 2.3 of these Regulations.
[8] See also Chapter 1, paragraph 2.5 of these Regulations.

Committee) or the Clerk to the Disciplinary Committee who will report the matter to the Chair of the Disciplinary Committee. The Chair will then decide whether the Student's reasons are justified. If the Chair decides that the Student's reasons are not justified they may decide to impose a further penalty or to require the Student to appear in person before the Disciplinary Committee. Deliberate non-compliance with a penalty imposed under the Disciplinary Code renders a Student liable to expulsion from the University;

5.19 Any Student who assists, aids or abets the commission of a discipline offence by another or, assists another to avoid or escape detection following the commission of an offence, will be treated as if they have committed the substantive disciplinary offence;

5.20 Where a Student is registered on a programme leading directly to a professional qualification or the right to practise a particular profession or calling, any major breach of the Disciplinary Code which might render that Student a person not fit to be admitted to and/or practise that profession or calling. For such breaches a Student shall be considered under the appropriate Fitness to Practise processes. The Disciplinary Panel will be made aware of the Faculties decision on this matter and should take this into consideration. (see annex 8 of this chapter)

5.21 Programme handbooks will provide further information about the standards of behaviour expected of Students training for a particular profession or calling. The University expects such Students to demonstrate high standards of behaviour in their professional and Student lives. It is the Student's responsibility to familiarise themselves with the provision and requirements of professional bodies.

5.22 Members of the Students' Union must comply with the following disciplinary rules made by the Students' Union and approved by the Board of Governors. The Students' Union may exercise discipline over its members under such rules as may be made under its Constitution.

5.23 Members of the Students' Union must:

5.23.1 comply with the Union Regulations for conduct of elections and meetings.

5.23.2 comply with the Union Financial Regulations and with any decision on the use of Union funds made by a properly constituted body of the Union.

5.23.3 respect the property and services of the Union and comply with the regulations for areas of the University administered by the Students' Union.

Part D: Investigation of Offences

6. Investigation Aims

6.1 The University has a responsibility to approach disciplinary offences fairly, following processes that are easy to understand whilst retaining the right to make decisions on the merits of an individual case.

6.2 The procedure should give Students and Staff clear information about the process, and how to access advice and support.

6.3 The procedure allows the Students to be accompanied by a companion (whose role is set out the Glossary to these Regulations) if required.

6.4 The procedure should be clear and accessible, with access via the website or through programme handbooks.

6.5 The procedure should be easy to understand, with clear definitions and timelines.

6.6 The procedure should be proportionate with three stages:

6.6.1 Stage one: all allegations will be investigated proportionately and evidence found will be preserved to support the procedure.

6.6.2 Stage two: referral to an Authorised Officer or Disciplinary Committee Hearing. (For Students on some professional programmes the Fitness to Practise lead will be informed and a decision will be made as to whether FtP procedures may be invoked following the disciplinary outcome – please see annex 8 of this Chapter). This stage will comprise of a referral to, and invitation to an Authorised Officer meeting or Disciplinary Committee Hearing, a decision will be made and an outcome issued.

6.6.3 Stage three: is the Student's right of appeal.

6.7 The procedure should be managed in a timely manner wherever practical. (with recognition that Fitness to Practise procedures need to be accommodated for in a timely manner with reference to any time limits imposed by Professional Statutory and Regulatory Bodies).

6.8 The procedure should be fair, ensuring that each party has an opportunity to present their case. Staff should be properly trained; this can include but is not exclusive to experience and training undertaken at another educational institution.

6.9 The procedure should be independent; free of any conflicts of interest.

6.10 The procedure should be conducted in line with the University's duties under the UK GDPR and Data Protection Act 2018.

6.11 At any stage during disciplinary investigations, if deemed appropriate, the Student(s) involved may be asked to sign a '**Non-contact agreement'**, which outlines a number of precautionary measures intended to facilitate a full and unhindered investigation, as well as protect the health and wellbeing for all parties involved. The decision to proceed with a Non-contact agreement shall be made by the Head of Security or nominated Deputy.

6.12 In some cases a non-contact agreement may be offered to both parties where no further investigation is warranted. Both parties must accept this solution and the non-contact agreement will be deemed the outcome of the case.

7. Authorised Officers and the Committee of Authorised Officers

7.1 An Authorised Officer is a member of Staff having responsibility for dealing with minor disciplinary cases. Each Faculty shall have at least one Authorised Officer appointed by the Dean. The Director of Library and Learning Services (or an appointed nominee) shall act as Authorised Officer for minor cases within the University's libraries. The Head of Sport will also act as Authorised Officer for minor cases

associated with sports teams and events. Authorised Officers or an appointed nominee will deal with minor cases within the University's managed or nominated Student housing.

7.2 The Head of Security (or nominees), may act as Authorised Officers in cases that are clearly minor offences and, where an admission of guilt has been forthcoming from the alleged offender. The sanction imposed in such cases, will only be a verbal or written caution concerning the behaviour. Such sanctions will be disclosed at any future additional disciplinary hearing.

7.3 There shall be a Committee of Authorised Officers, chaired by the Designated Senior Member of Staff, and its membership shall be drawn

from the Authorised Officers, Deans of Faculty, Students' Union and other appropriate senior Staff of the University.

7.4 The Committee is responsible for:

7.4.1 co-ordinating the processes associated with Student discipline within the University for the purpose of ensuring consistency of approach to disciplinary matters.

7.4.2 considering and recommending to the Academic Board and the Board of Governors, changes to disciplinary regulations and procedures.

7.4.3 reviewing the level of authority/powers delegated to individual Authorised Officers (eg the maximum level of sanction which could be applied in cases where there are no specific existing regulations).

8. Authorised Officer Procedures

8.1 Breaches of Student discipline may be investigated by the designated Authorised Officer, or the Head of Security (or nominees), or by a senior member of University Staff such as a Director or Dean in consultation with the Head of Security and the Clerk to the Disciplinary Committee.

8.2 The investigating officer (or their nominated representatives) shall carry out a full investigation into the allegation; this may include taking statements from the complainant, the accused Student and any witnesses and discussing the investigation with the accused Student.

9. Informal Investigation

9.1 Where the Authorised Officer considers it appropriate, and before any formal procedure has been invoked, an Authorised Officer may invite a Student alleged to have committed a very minor offence to meet with them to discuss the matter informally. The Student may be accompanied to such a meeting by a Student's companion (whose role is set out as defined in the Glossary to these Regulations). If the Student admits the offence the Authorised Officer will seek to resolve the matter on an informal basis with the Student's agreement by, for example, asking the Student to make an apology or by the Student giving an undertaking to be of good conduct in future. The Authorised Officer may not recommend a formal penalty as an outcome from such a meeting.

9.2 If the Student refuses to attend an informal meeting or does not admit the offence or a resolution cannot be agreed, the Authorised Officer will invoke formal procedures as set out in paragraphs 10 to 11 below. Any attempt at informal resolution will not prejudice the outcome of more formal procedures.

10. Formal Investigation

10.1 Following investigation of an alleged offence the Authorised Officer shall arrange to meet with the Student to discuss the allegations. The Authorised Officer shall give 5 University working days' notice of the date, time and location of the meeting in writing. The Authorised Officer shall inform the Student in writing of the details of the alleged offence and invite the Student to say whether they admit the offence and whether they wish to offer any comments, including any mitigating circumstances. The Student may choose to offer such comments either in writing or verbally at the meeting with the Authorised Officer.

10.2 If the Student fails, without reasonable excuse, to attend the meeting convened by the Authorised Officer, the Authorised Officer may deal with the case in their absence. The Authorised Officer will then advise the Student in writing within 5 University working days of their decision with regard to the allegations and of any penalty.

10.3 The Authorised Officer shall determine the procedure to be adopted in the meeting, depending on the circumstances of the case. The procedure shall accord with common fairness and shall provide for the following:

10.3.1 The accused Student has the right to be accompanied by a Student's Companion (whose role is set out in the Glossary to these Regulations). If the Student intends to be accompanied by a Student's companion, they shall inform the Authorised Officer in writing of the name and status of their representative in advance of the meeting.

10.3.2 The Authorised Officer shall advise the Student of the evidence relating to the alleged offence and shall ask whether the Student admits or denies the charge.

10.3.3 If the Student admits the offence the Authorised Officer shall determine what penalty, if any, to impose, taking account of any statement the Student makes in mitigation.

10.3.4 If the Student denies the allegations they have the right to present a defence. They may call witnesses. The Authorised Officer and/or the investigating officer may ask questions of the Student or of any witness for the clarification of matters of fact.

10.3.5 The Authorised Officer and/or the investigating officer may call witnesses to present evidence. The Student has the right to ask questions of the Authorised Officer and/or the investigating officer or of any witness for the clarification of matters of fact.

10.3.6 The Authorised Officer may temporarily adjourn the hearing in order to seek further information, evidence or advice. Where possible, at the time of adjournment, the Authorised Officer and the Student shall agree a mutually convenient time for the hearing to be re-convened. Where it is not possible at the time of adjournment to set a time when the hearing shall be reconvened then the hearing shall be re-convened in accordance with section 10.1 above. The Authorised Officer will share any further information, evidence or advice they have obtained with the investigator and the Student at the re-convened hearing and give both an opportunity to question any further information, evidence or advice for the clarification of matters of fact.

10.3.7 Having considered the evidence, the Authorised Officer shall advise the Student at the end of the hearing whether the charge is found to be proven or not proven.

10.3.8 If the Authorised Officer finds the case proven they may determine what penalty, if any, to impose, taking account of any statement the Student makes in mitigation.

10.3.9 However, if the Authorised Officer believes that their powers to deal with the offence under this provision and/or to impose a penalty are not sufficient or the Authorised Officer believes that

the offence deserves a penalty other than one of those available to them then they shall refer the case to the Disciplinary Committee. The Authorised Officer may indicate the penalty they believe might be appropriate.

10.3.10 The Authorised Officer shall inform the Student of their decision and any penalty they decide to impose at the hearing.

10.3.11 Where a Student is enrolled on a programme leading directly to a professional qualification or the right to practise a particular

profession or calling the Authorised Officer shall inform the Faculty Fitness to Practise lead of the outcome of the meeting.

10.4 A record of both the incident and the penalty shall be recorded within designated secure Sharepoint site owned by Academic Support Office. The Authorised Officer will formally notify the Student, the Dean of Faculty, the Head of the Academic Support Office and the Head of Security in writing of the outcome of the hearing.

10.5 In cases where the charge is not proven, the Authorised Officer shall ensure that documentation in the Faculty relating to the matter is destroyed.

10.6 If, in the course of the investigation and the Authorised Officer's hearing, a matter related to the Student's welfare is recognised, then the Authorised Officer may, in lieu of setting a penalty, require a Student to comply with conditions designed to address positively or to resolve the welfare matter. This does not prejudice the Student's right of appeal.

10.7 In circumstances where paragraph 10.6 applies, the Authorised Officer may, upon a Student giving a firm undertaking to fulfil a condition or conditions, withhold the imposition of a penalty for so long as the Student fulfils the condition or conditions. Alternatively, the Authorised Officer may waive imposing a penalty upon a Student giving a firm undertaking to fulfil a condition or conditions. This will allow the Authorised Officer to take account of any welfare or pastoral problems being experienced by the Student and to direct the Student to seek appropriate assistance. This may be by arranging an interview with a member of Student and Academic Services Staff who may then refer the Student to appropriate assistance.

10.8 Any failure by the Student to fulfil conditions or comply with a penalty imposed by the Authorised Officer shall be treated as a major offence and referred to the Disciplinary Committee.

11. Concluding Investigation

11.1 Once the investigation has been concluded, the Authorised Officer shall review the documentation and, taking account of advice from the Clerk to the Disciplinary Committee, shall submit a report with recommended course of action to the Executive Director Student and Academic Services.

11.2 The Executive Director Student and Academic Services, will determine whether the offence is minor or major; and the following relevant procedures will commence:

- Part E for Minor offences
- Part F for Major offences

Part E: Minor offences procedures

12. Minor offences

12.1 Minor offences against the regulations relating to the operation of the Students' Union are dealt with by a standing committee of the Union.

12.2 Minor offences covered by other regulations (such as the University accommodation, Libraries, etc) are dealt with under their local rules, which may allow designated members of Staff to initiate immediate disciplinary action for minor, straightforward cases. Appeals against disciplinary findings and/or penalties under the Disciplinary Code are dealt with in the same way as appeals against Authorised Officers' decisions.

12.3 Disputed cases and more serious offences may be referred to the Head of Security or Authorised Officer who will then follow the steps set out in paragraph 10.3.9 above.

12.4 All other minor offences are dealt with under the Authorised Officers' Procedures as set out in paragraph 8 of these Disciplinary Procedures.

12.5 Minor offences are divided into two categories:

- minor anti-social behaviour (including drunken behaviour), minor damage, minor offensiveness to Staff, disruptive behaviour during programme sessions;
- any repetition of behaviour already identified to the Student as a minor offence not covered by the Disciplinary Code.

12.6 Where the investigation of an apparent minor offence under any University regulations leads to a determination that the offence was a

major offence, the matter shall be dealt with under the procedure for major offences under the jurisdiction of the Disciplinary Committee.

12.7 Any attempt by a Student to interfere with, harass or otherwise influence in any way any complainant or witness in a minor disciplinary case shall be considered a major disciplinary offence and grounds for immediate

transfer of the case to the Disciplinary Committee. Under these circumstances the Authorised Officer shall write formally to the Clerk to the Disciplinary Committee requesting that a hearing of the Disciplinary Committee be convened.

13. Minor Offences Penalties

13.1 An Authorised Officer may impose one or more of the penalties set out below:

13.1.1 A verbal warning as an informal resolution.

13.1.2 That the Student is prevented from undertaking certain University activities (including the DMU Global programme of events). This penalty will only be imposed after consultation with the Clerk to the Disciplinary Committee and/or Head of Security.

13.1.3 A formal reprimand (verbal warning), confirmed in the form of a written note, which will be kept on the Authorised Officer's file for three full terms. This penalty will be most appropriate in cases which can be resolved relatively informally, where the accused Student admits the charge, expresses genuine regret at having committed the offence and where the complainant is satisfied that the matter has been satisfactorily resolved.

13.1.4 A written warning which will be kept on the Authorised Officer's file and the Students' University record for a period of three full terms.

13.1.5 A requirement that the Student makes an apology to any person or persons named (usually the complainant). This may either be made in writing or verbally, depending on the circumstances of the case, wording to be approved by the Authorised Officer.

13.2 Notwithstanding any penalty imposed by the Authorised Officer, the Authorised Officer may also order a Student found to have committed a disciplinary offence to reimburse the University for any costs reasonably incurred by the University in carrying out any necessary repairs or replacing any items requiring replacement arising from any damage caused by the Student or for which the Student is responsible.

14. Appeal against a minor offence decision

14.1 A Student has the right of appeal against the decision of an Authorised Officer on certain specific grounds only. The grounds for appeal and the appeal process are explained in Part G below.

Part F: Major offences and the Disciplinary Committee

15. Major offences

15.1 Major offences include for example (but not limited to):

15.1.1 repetition or systematic repetition of minor offences.

15.1.2 offences other than academic offences in connection with University assessments.

15.1.3 actions and/or omissions in breach of the University's Code of Practice on Freedom of Speech.

15.1.4 inciting hatred or discrimination.

15.1.5 attempts to influence complainants and/or witnesses in minor or major disciplinary cases.

15.1.6 other serious offences e.g. possession of class A drugs, damage to or on University premises, theft, assault.

15.1.7 obstructing or harming the operations, safety and discipline of the University.

15.1.8 encouraging violence or self-harm.

15.1.9 attempts to access or breach computer systems, or deliberate breaches of data protection for personal data.

15.2 All major offences are dealt with by the Disciplinary Committee other than those offences committed in connection with University assessments which are dealt with by the Academic Offences Panel or the appropriate Assessment Board. Appeals against a decision of the Disciplinary Committee are dealt with by the Disciplinary Appeals Committee.

15.3 The Student's disciplinary record of cases found proven by a Disciplinary Committee may be referred to in any confidential reference which is provided by a member of University Staff. The decision to do so will be proportionate to the need and level of risk.

16. Suspension[9]

16.1 The University reserves the right to Suspend a Student who is the subject of a disciplinary investigation arising from an allegation that they have committed a major offence or who is the subject of an investigation carried out under Faculty Fitness to Practise procedures. In addition, the University may Suspend a Student in other extraordinary situations where suspension is deemed appropriate and necessary by the Designated Senior Member of Staff. In such cases the Board of Governors will be notified of the decision at an appropriate meeting.

16.2 Suspension is not to be seen as a determination of guilt, but an opportunity for the Student and the University to allow time for the investigation to progress, whilst mitigating any risks identified. It may be used to protect all involved parties.

16.3 The University reserves the right to issue a full Suspension or a Partial Suspension with particular caveats. A Partial Suspension may still allow academic engagement, however a Full Suspension fully revokes a Student's registered status. Only the Designated Senior Member of Staff has the power to immediately suspend a Student from the University or to exclude the Student from particular facilities or activities or to require that the Student have no contact with a named person or persons if there is good and sufficient cause, the details of which will be included in the suspension letter sent to the Student and copied to the faculty. This may include Students against whom criminal charges are pending or who are the subject of police investigation. The decision of the Designated Senior Member of Staff shall normally be taken following receipt of a report from the Head of Security (or nominees) or, in matters relating to Fitness to Practise, from the Head of the relevant School.

16.4 When a Student has a Full Suspension, a Leave of Absence will be applied which will stop Student Finance England funding. A student will not have access to University support provision and they may no longer be entitled to specialist support provided through the Disabled Student Allowance. Suspended Student's may still receive support and guidance via the DSU.

16.5 In particular, the Designated Senior Member of Staff has the authority to Suspend any Student where, in their reasonable view, the Student's continued presence as a member of the University community:

[9] 9 Please refer to the Glossary for definition.

16.5.1 represents a threat to the safety or well-being of Students, Staff or visitors to the University, or to colleagues and/or clients where the Student is in practice placement, or

16.5.2 represents a potential hazard in accordance with the University's policies on health and safety, or

16.5.3 would be prejudicial to the Student's best interests, safety or well-being, or

16.5.4 would jeopardise a full and proper investigation being carried out by either the police or a university investigator, or

16.5.5 would disrupt or interfere with the academic, administrative or other activities of the University, or

16.5.6 is liable to bring the University into disrepute.

16.6 The Suspension shall be reviewed every 4 weeks (or earlier if new evidence becomes available) by the Designated Senior Member of Staff who may confirm, revoke or vary the suspension in the light of any developments or of any representations made by the Student or anyone on their behalf.

16.7 If the Suspension is for more than 14 University working days' duration, after this time, the Suspended Student has the right of appeal, through written representation, to the Vice-Chancellor.

16.8 Any further appeals to the Vice-Chancellor will only be considered if new supporting evidence becomes available and is provided by the Student.

17. The Disciplinary Committee

17.1 The Disciplinary Committee consists of:

- the Deputy Vice-Chancellor,
- or a member of the University Leadership Board, or a Dean or a Deputy Dean or their nominee (who shall act as the Chair); and
- an Authorised Officer; and
- a Fair Outcome Champion; and
- a member of the Students' Union Executive Committee.

17.2 In cases where the Student is registered on a programme leading directly to a professional qualification or the right to practise a particular profession or calling, please see annex 8 of this chapter.

17.3 All members of the Disciplinary Committee shall be present at a hearing.

18. The Disciplinary Committee hearing

18.1 The Head of Security or other investigating officer[10] shall lodge a formal written complaint with the Clerk to the Disciplinary Committee immediately on completion of a disciplinary investigation in cases where the Student might be required to appear before the Disciplinary Committee.

18.2 Where a Student admits, in writing, an offence which would normally be put to the Disciplinary Committee, the Chair of the Disciplinary Committee will undertake a review of written submissions. The Chair alone may decide what penalty, if any, is to be imposed, taking into account any written statements in mitigation provided by the Student. If the Chair believes the case to be sufficiently serious as to require a hearing they may decide that a hearing should be convened. The Chair may consult the designated senior member of Staff in reaching their decision on penalty or other matters. The Student has the usual right of appeal to the Disciplinary Appeals Committee.

18.3 If the Student denies the offence, or if the Chair of the Disciplinary Committee believes that a hearing should be convened in the case of a Student who admits the offence, the Clerk to the Disciplinary Committee shall arrange a hearing of the Disciplinary Committee. The accused Student and the University's representative for the complainant (usually the Head of Security or nominees) will be given notice in writing of the hearing date, the charge and statements and the members of the Disciplinary Committee who will attend the hearing. Due notice of the hearing date will be deemed to have been given 2 University working days from the date when a letter of notification was sent to the Student's last recorded address, or from the date notification was sent securely using an encrypted and password protected document to the Student's University email and any personal email addresses provided by the Student. The Student will be given not less than 10 University working days' notice of the date of the hearing.

18.4 If the date of the hearing is too soon to allow a Student's companion to attend, the Student may request a new suitable date to be set.

18.5 If the Student fails, without reasonable excuse, to attend the hearing, the Disciplinary Committee will deal with the case in their absence.

18.6 In the case of a complaint concerning a Student's conduct in relation to their suitability for admission to and/or to practise a profession or calling, the Clerk to the Disciplinary Committee will seek, through the Fitness to

[10] See Chapter 2, paragraph 6.1 of these Regulations.

Practise Lead, the FtP Triage decision relating to the student. The Triage decision confirming whether fitness to practise procedures will need to be invoked shall be presented to the accused Student before any disciplinary hearing takes place. The Disciplinary Committee will take any potential FtP action into account when imposing any penalty. Please see Annex 8 of this Chapter.

18.7 If the Student wishes to object to any member of the Disciplinary Committee, the Student shall submit their objections in writing including the grounds for the objection, to be received by the Clerk to the Disciplinary Committee at least 5 University working days before the hearing. If the grounds are upheld, an alternative member of the Disciplinary Committee will be identified.

18.8 The procedure adopted by the Disciplinary Committee shall provide for the following:

18.8.1 The accused Student has the right to appear, be heard, to obtain witness evidence and to question the complainant for the clarification of matters of fact. Such questioning should be addressed through the Committee Chair.

18.8.2 The Student has the right to be accompanied by a Student's companion (whose role is set out the Glossary to these Regulations). If the Student wishes to exercise the right to have a Student's companion present, then they shall inform the Clerk to the Disciplinary Committee in writing at least 5 University working days before the hearing.

18.8.3 If the Student wishes to rely on witness evidence, it is their responsibility to obtain witness statements in readiness for the hearing in the first instance. Only in limited circumstances will witnesses be called to provide evidence in person, in which case the Student must inform the Clerk to the Disciplinary Committee in writing of the names of witnesses they will be calling at least 5 University working days before the hearing.

18.8.4 The University's representative for the complainant (usually the Head of Security or nominees) has the right to appear, be heard, to call witnesses and to question the Student for the clarification of matters of fact. Such questioning should be addressed through the Committee Chair. The complainant will be given the opportunity to submit an impact statement or other evidence, but is not required to appear in person, the statement will be read out by the University's representative for the complainant.

18.8.5 The Disciplinary Committee has the right to question the University's representative for the complainant (usually the Head of Security or nominees), the accused Student and their respective witnesses and representatives.

18.8.6 The Disciplinary Committee has the discretion to limit the number of witnesses, and control and limit questioning to matters which are strictly relevant or to adjourn the hearing.

18.8.7 The Committee will retire to decide, on the balance of probability, whether the charge is or is not proven and any penalty and will reconvene on the same day and inform the Student, giving their reasons. No later than 5 University working days after the hearing, the Clerk to the Disciplinary Committee will confirm to the Student in writing the outcome and the reasons for the Committee's decision.

18.9 Subject to the Student's right of appeal, the Clerk to the Disciplinary Committee will inform the appropriate members of Senior Staff of the Committee's decision. If a Student is to be expelled from the University the Clerk to the Disciplinary Committee will issue the notification of Expulsion. Copies of the notification shall be sent to the appropriate Dean of Faculty, the Executive Director of Student and Academic Services and other relevant senior members of Staff.

19. Penalties

19.1 The Disciplinary Committee will impose, as it in its absolute discretion thinks fit, an appropriate penalty or penalties on a Student found to have committed a disciplinary offence by the Disciplinary Committee.

19.2 Some **examples** of penalties are:

19.2.1 Expulsion from the University; Student will not be eligible for readmission to the University at any time in the future. A student may receive a formal record of credits achieved if expelled, and the Disciplinary Panel will make the decision on the merits of each case and on a case-by-case basis.

19.2.2 Suspension for up to a year[11].

19.2.3 Exclusion from University-managed accommodation.

[11] 11 Please refer to the Glossary for definition.

19.2.4 Exclusion from particular University facilities, premises, services or activities.

19.2.5 A severe reprimand to remain on the Student's record until the completion of their studies at the University. Any further minor or major breaches of the University's Disciplinary Code must be dealt with by the Disciplinary Committee and if proven will normally result in Expulsion from the University.

19.2.6 A reprimand to remain on the Student's record until the completion of their studies at the University. Any further minor or major breaches of the University's Disciplinary Code must be dealt with by the Disciplinary Committee which may impose an appropriate penalty, which, depending on the merits of the case, may be Expulsion.

19.2.7 Compulsory attendance at a DMU workshop or training/coaching session.

19.3 Notwithstanding any penalty imposed by the Disciplinary Committee, it may also order a Student found to have committed a disciplinary offence to:

- Reimburse the University for any costs incurred in hearing a case, for example, costs of obtaining a memorandum of conviction;
- Reimburse the University for any costs reasonably incurred by the University in carrying out any necessary repairs or replacements arising from any damage caused by the Student or for which the Student is responsible;
- make an apology to any named person or persons, either in writing or verbally depending on the circumstances of the case, wording to be approved by the Chair of the Disciplinary Committee;
- Make amends, for example by deleting social media posts and/or offensive content.

19.4 Any sum ordered to be paid under this provision shall be a debt owed to the University and therefore subject to the University's normal debt collection procedures unless quashed on appeal.

19.5 The Disciplinary Committee may, upon a Student giving a firm undertaking to fulfil a condition or conditions, suspend the imposition of a penalty for so long as the Student fulfils the condition or conditions. This will allow the Disciplinary Committee to take account of any welfare or pastoral problems being experienced by the Student and to direct the

Student to seek appropriate assistance. This may be by arranging an interview with a member of Student and Academic Services Staff who may then refer the Student to appropriate assistance. Any failure by the Student to fulfil such condition(s) shall be treated as a major offence and referred to the Disciplinary Committee.

19.6 The University has a statutory duty to refer a Student to the Independent Safeguarding Authority where that Student has been terminated from training because their behaviour is believed to pose a risk of harm to children and/or other vulnerable people. Only the Designated Senior Member of Staff may make such a referral on the recommendation of the Disciplinary Committee.

19.7 In cases where the penalty imposed by the Disciplinary Committee is not Expulsion from the University, the Student will be permitted to transfer to another programme within the University provided that:

19.7.1 the Student's conduct would not render them unfit for admission to and/or to practise a profession or calling to which the new programme directly leads (For those students who may be subject to Fitness to Practise procedures, please see annex 8 of this chapter);

19.7.2 the Student meets the normal entry requirements for the new programme and/or meets any other appropriate academic requirements for entry to the new programme;

19.7.3 there is a place available on the new programme; and

19.7.4 the Student is accepted as a suitable candidate by the Faculty for the new programme.

19.8 Where such a case is found not proven or, for an exceptional reason the Disciplinary Committee believes the Student should be allowed to continue on their programme, the University will normally make reasonable endeavours to find a suitable practice or professional placement to enable the Student to complete their qualification where satisfactory completion of a placement is a requirement. (For those students who may be subject to Fitness to Practise procedures, please see annex 8 of this chapter)

19.9 However, it should be noted that the University cannot compel practice or placement providers to take Students who they believe are not suitable. If the University acting reasonably cannot find a suitable placement the Student will not be able to continue on their programme.

The Student will therefore be permitted to transfer to another programme within the University provided the conditions in 19.6 to 19.9 are met.

19.10 The University will where possible share relevant investigation findings, the reasoned determination and relevant sanctions with the complainant and witnesses. 'Relevant' investigation findings and sanctions are those which have a direct impact on the complainant or witness.

20. Appeal against a decision of the Disciplinary Committee

20.1 A Student has the right of appeal against the decision of the Disciplinary Committee on certain grounds only. The grounds for appeal and the appeal process are explained in Part G below.

20.2 An appeal panel will review the original outcome and penalty(ies) imposed to ensure process was followed and the outcome appropriate to the case. They will not re-hear a case.

Part G: Appeals against a disciplinary decision

21. A Student's right of appeal

21.1 Subject to paragraph 23 a Student has the right of appeal to the Disciplinary Appeals Committee against:

- an Authorised Officer's decision;
- the decision of the Disciplinary Committee; or
- the decision to terminate their registration on a programme leading directly to a professional qualification or a licence to practise a particular profession following faculty fitness to practise procedures.

22. The Disciplinary Appeals Committee

22.1 The Disciplinary Appeals Committee consists of:

22.1.1 a member of the Board of Governors (or nominee) who shall be the Chair;

22.1.2 another external Governor or recently retired Governor (or nominee); and

22.1.3 a Designated Senior Member of Staff (or nominee).

All three members of the Disciplinary Appeals Committee shall be present at a hearing.

22.2 In cases where the Student is registered on a programme leading directly to a professional qualification or the right to practice a particular profession or calling, a member of the relevant practice area or profession will act as an additional member of the Disciplinary Appeals Committee. Where this is not possible due to lack of opportunity or availability (for example for Trainee Nurse Associates) a senior registered practitioner from the same Professional Regulator will attend.

22.3 No person who has been previously consulted or involved in the particular case shall act as a member of the Disciplinary Appeals Committee.

23. Grounds for appeal

23.1 A Student has the right of appeal only on the following grounds:

23.1.1 There is new and relevant evidence which the Student was demonstrably and for exceptional reasons unable to present at the Disciplinary Hearing or Authorised Officer's Hearing or during a Faculty fitness to practise investigation. This may include evidence in mitigation. Such new evidence must be submitted with the Student's written notice of appeal or, if it is not possible to include the evidence at the time the notice is submitted, the notice must be accompanied by a note explaining the evidence the Student wishes to submit.

23.1.2 The Disciplinary Committee, Authorised Officer or Faculty fitness to practise process was in breach of their stated procedures.

23.1.3 The penalty made was too severe or was inappropriate or disproportionate to the breach of the Disciplinary Code or fitness to practise standards.

24. The Disciplinary Appeals Committee's procedures

24.1 Any Student wishing to appeal against a decision of an Authorised Officer or the Disciplinary Committee or Faculty fitness to practise investigation shall give notice of the appeal in writing, stating clearly the specific grounds on which the appeal is based as listed in paragraph 23 above, and providing appropriate documentary evidence. This notice of appeal (in writing) should reach the Clerk to the Disciplinary Appeals Committee within 10 University working days of the formal notification of the decision.

24.2 In the event of an appeal, the decision of the Disciplinary Committee (or Authorised Officer or Faculty fitness to practise investigation) will not be

carried out until the appeals process is concluded. In cases where the Student receives the penalty of expulsion and was not suspended prior to the date of the hearing, a mandatory suspension may be applied for the duration of the appeal period.

24.3 The Chair of the Disciplinary Appeals Committee may dismiss an appeal without holding a hearing on consideration of the appeal papers if in their reasonable opinion it appears that the grounds of appeal are so lacking in substance that further consideration would not be justified. The decision of the Chair is final and not subject to review by any other University panel.

24.4 If the Chair directs that an appeal should be heard, the Clerk to the Disciplinary Appeals Committee shall arrange a hearing of the Committee.

24.5 The appellant Student and the University's representative for the complainant (usually the Head of Security or nominees) will be given notice in writing of the hearing and the members of the Disciplinary Appeals Committee. Due notice of the hearing date will be deemed to have been given 2 University working days from the date when a letter of notification was sent to the Student's last recorded address. The appellant Student will be given, not less than 10 University working days' notice of the date of the hearing.

24.6 If the appellant Student fails, without reasonable excuse, to attend the hearing, the appeal shall be dismissed.

24.7 If the appellant Student wishes to object to any member of the Disciplinary Appeals Committee, the Student shall submit their objections in writing including the grounds for the objection to be received by the Clerk to the Disciplinary Appeals Committee at least 5 University working days before the hearing. If the grounds are upheld, an alternative member of the Disciplinary Appeals Committee will be identified.

24.8 The procedure adopted by the Disciplinary Appeals Committee shall provide for the following:

24.8.1 The appellant has the right to appear and be heard and to be accompanied by a Student's companion (whose role is set out in the Glossary to these Regulations).

24.8.2 The University's representative for the complainant (usually the Head of Security or nominees) has the right to appear and be

heard and to be accompanied by a Student's companion (whose role is set out the Glossary to these Regulations).

24.8.3 The Disciplinary Appeals Committee has the right to call witnesses, examine any documentation it considers necessary and question the complainant and appellant.

24.8.4 The Disciplinary Appeals Committee may set aside, vary or confirm the Disciplinary Committee's (or Authorised Officer's or Panel's) findings and/or may set aside, vary (including increasing) or confirm the penalty imposed.

24.8.4.1. In relation to Fitness to Practise Panels the only outcomes of an appeal will be to confirm the panel's findings (if it is found there were no breaches in the panels processes), or to refer the case back to a fresh and independent Fitness to Practise Panel (please see annex 8 of this chapter)

24.8.5 The Disciplinary Appeals Committee shall inform the appropriate members of Senior Staff and the Chair of the Disciplinary Committee of its decision.

24.9 The Disciplinary Appeals Committee may suspend any penalty for a given period of time and may set terms for the suspension of the penalty.

24.10 The decision of the Disciplinary Appeals Committee is final and not subject to review by any other University panel.

24.11 The outcome of the Disciplinary Appeals Committee will be communicated to the appellant Student through a Completion of Procedures Letter no later than 25 University working days from the date of the offence, subject to change as a result of events outside of the University's control.

Chapter 3

Students of Concern

1. Introduction

1.1. The University welcomes a diverse Student body and seeks to ensure that all students have the opportunity to study, achieve and enjoy University life to the best of their ability, in a safe and supportive environment which allows for academic and personal development.

1.2. The University has a commitment to student experience and offers a range of student services and support to help students reach their potential while at University. Whilst students are responsible for the management of their own wellbeing, the University aims to work with and support students in a collaborative manner.

1.3. The University acknowledges that an individual may demonstrate behaviours that causes concerns for their own wellbeing, or the wider wellbeing of the University community. Such behaviours may be attributed to, for example, medical conditions including communicable diseases, mental illnesses, taking (or failing to take) prescribed medication or chronic health conditions. In these circumstances the University recognises that the Student may benefit from the University's direct intervention and support.

1.4. This process is intended to provide a framework to help the Student of concern while mitigating risk to the Student, the wider DMU community and the public. While the University will adopt a non-judgmental, consistent, sensitive, and coordinated approach to the management of a situation, the University reserves the right to invoke where appropriate procedures under other Chapters of the Regulations, including in cases where behaviour which causes concern is in contravention of The Disciplinary Code (see Chapter 2).

1.5. The existence of medical conditions or other disabilities does not absolve Students from the responsibility for their education or their responsibility towards other members of the DMU community.

1.6. The University has statutory obligations under Equality Legislation, to make reasonable adjustments for Students who have a disability.

1.7 Consideration will be given, if it seems helpful, as part of this process to engaging emergency contacts. This would ordinarily be with the student's consent, but in exceptional circumstances, consideration may be given to engaging them anyway. Any such decision would be carefully balanced, and will only happen after consultation with the Information Governance Office, to ensure that there is a legal basis for doing so.

2. Scope

2.1 The policy applies to any enrolled student of the DMU Leicester Campus, including foundation, undergraduate, post-graduate taught and postgraduate research Students and Students on placement/ apprenticeships.

2.2 The policy is intended for use in cases: where the disruption or risk to the Student, other Students, Staff or the University community as a whole, as a result of a Student's behaviour or circumstances, is considered to be so acute that a welfare service(s) business as usual arrangements may not mitigate the risk.

2.3 The policy is not intended to address a Student's general support requirements, as established student welfare support arrangements exist for this purpose. Students accessing sources of welfare support will not be considered in itself to be a cause of concern.

2.4 This policy is not intended to address fitness to practise issues, which will rest with the Faculties, though where appropriate this policy may run in tandem with, and information be shared, to inform fitness to practice considerations.

2.5 Staff members should recognise that most welfare concerns will fall below the Level 1 threshold and staff members (Academic and Professional Services) should make all reasonable efforts to provide appropriate academic and pastoral support/sign-posting and to engage students in the provision of that support before a Student of Concern Referral is made to Student Welfare. Information on academic and pastoral support can be found in multiple locations including mandatory training, the Healthy DMU staff toolkit and within DMU Student Support.

2.6 This policy is not intended as a way of responding to crises. In cases of emergency situations e.g. immediate risk of serious self-harm, suicide or to harm others, Staff must always ring 999.

3. Applying the six principles of Safeguarding

3.1 The six principles of Safeguarding will be at the heart of the operation of this procedure, as follows;

3.2 Prevention – this policy should be understood as being about preventing unwanted outcomes, such as a student not achieving their academic potential, or experiencing harm / harming the wider university community. It should therefore whenever possible be enacted at an early stage, rather than being seen as a 'last resort'.

3.3 Partnership – in order for this policy to achieve it's aims it will be necessary for both students and the university to work together to devise plans which have a chance of succeeding. The student's views should always form a central part of decision making

3.4 Empowerment – the aim of this policy will be to assist the student to identify and access resources and support which put them in the best position to develop as an independent learner.

3.5 Proportionality – students, as with any other member of society, have the right to make choices which other may not perceive to be in their best interests. The purpose of this policy is not to interfere with those choices, and the policy should only be enacted when there are serious concerns, and escalation through the three stages, should also be carefully considered.

3.6 Protection – as an organization DMU is committed to providing support and protection to those in the greatest need, and wherever possible the exercise of this policy, should be about trying to ensure students with the most difficult circumstances are afforded that protection.

3.7 Accountability – plans which are made as part of this process will involve commitments from both the university and students, and on both sides there will be an expectation that reasonable efforts are made to keep those commitments.

3.8 The process has three stages based on the degree of concern and/or the perceived seriousness of the situation. The Process set out in Chapter 3 can be initiated only by services represented within the Students at Risk Committee, and is not necessarily sequential.

4. Level 1: Emerging and Low-level Concerns

4.1 This stage of the process is informal and is concerned primarily with prevention, and protection, usually when a concern has been raised through the Students at Risk process, which indicates that a Student's ability or other Students' ability to progress is being significantly impaired.

4.2 The concerns are deemed to fall within a welfare service(s) 'business as usual'. For this process 'business as usual' would be defined as a student whose complexity and needs are unable to be met by student welfare services usual input and therefore may not mitigate the risk(s) presented, and is impacting significantly on the wider DMU community. In the vast majority of cases there will be no need to escalate beyond this stage. This stage might be considered as a 'near miss' by Ofsted.

4.3 A student chooses to engage with the appropriate welfare service(s) and/or Security and an appropriate support plan is put in place.

4.4 All Student Welfare services at DMU are committed to the six principles of Safeguarding, and in particular will seek to agree plans in partnership with students, which empower them to succeed in their education.

4.5 If the Student does not engage at this level and /or there is continued risk of non-engagement and /or concern of a Student's activities which is beyond a welfare service(s) business as usual (see 4.2), the principle of partnership remains important and this should wherever possible be discussed with the student, and a joint decision reached on a productive way forward.

4.6 A service may escalate the Student to Level 2, but should only do so, when it is proportionate to do so, for example because the principles of protection or prevention cannot be achieved without that escalation occurring: Enhanced Concerns.

5. Level 2: Enhanced Concerns

5.1 Where there is an enhanced concern, or a pattern of behaviour which goes beyond a welfare service(s) and/or Security's business as usual and/or continues to impede a Student's ability or other Students' ability to progress.

5.2 A service notifies the Student at Risk Committee (via the Clerk) of a Student who they have Enhanced Concerns about. The Committee considers whether with the six principles of Safeguarding in mind, whether an escalation would be proportionate to the situation, and where appropriate ratifies the escalation and confirms the lead service for the Enhanced Concern.

5.3 The lead service invites the Student to a meeting to work in partnership to cocreate a support plan. A Student can be accompanied by a companion.

5.4 Prior to the meeting the lead service will collate and document information from relevant colleagues (across Professional Services and Faculty) on a support plan to ensure a whole-individual approach. Any written submissions by the Student will considered at this stage also.

5.5 At the outset of the meeting the purpose of the meeting should be explained, in particular emphasizing that the intention is to work in partnership to find a way to empower the student to succeed in their studies, and prevent as far as possible negative outcome occurring.

5.6 Documentation which will be used to develop the plan will be shared with the student, and wherever possible the student will be empowered to consider what approaches are most likely to be effective for them, including suggestions about what the university could do to most effectively provide protection to the student.

5.7 The principle of accountability will be discussed, and that this applies equally to the university and the student.

5.8 Wherever possible a jointly agreed plan will be made, and an agreement made about an appropriate period of time to review the plan, and what either party should do if they have further concerns in the interim.

5.9 If the Enhanced Concern Plan does not sufficiently improve the situation, or the student has not engaged, a service may escalate the Student to Level 3: Serious Concerns. Wherever possible this should be discussed with the student in advance, and should be explained as being aimed as a supportive measure.

6. Level 3: Serious Concerns

6.1 Where there is a serious concern, or a pattern of behaviour which goes beyond a welfare service(s) and/or Security's business as usual and/or continues to impede a Student's ability or other Students' ability to progress.

6.2 A service notifies the Student of Concern Committee (via the Clerk) of a Student who they have Serious Concerns about. The Committee ratifies the escalation and confirms the lead service for the Serious Concern.

6.3 The lead service informs the Student they must attend a meeting to co-create a support plan. A Student can be accompanied by a companion.

6.4 Prior to the meeting the lead service will collate and document information from relevant colleagues (across Professional Services and Faculty) on the Enhanced Concern Plan to ensure a whole-individual approach. Any written submissions by the Student will considered at this stage also.

6.5 Should a Student not engage with the appropriate service and attend the meeting, contact will be made with the Student to ascertain their safety and rationale for non-attendance.

6.6 If the Student fails to engage at this level, not show progress against the Enhanced Concern Plan and/or there is continued risk, a service may refer the student to the Academic Registrar or nominee. Examples of a referral outcome may include: further support, leave of absence, behaviour dealt with through disciplinary action or recommendation made to the Vice Chancellor that the Student is permanently excluded from the University.

7. The Student at Risk Committee

7.1 The Student at Risk committee maintains an overview of serious concerns which have been raised in relation to students, and will act as a source of advice and overview of the operation of the student concern procedure, in particular it will; **uphold** the processes outlined within this chapter; **determine** lead service for complex cases **support** welfare service(s) and/or security in coordinating approaches to a Student facing enhanced (Level 2) and serious (Level 3) concern that impact on their or others ability to progress academically; **escalate** the Student to the Academic Registrar or nominee should the Student of Concern process be exhausted.

8. Exceptional Interventions

8.1 When a Student exhibits behaviour that puts themselves or others at immediate risk a temporary suspension from campus or specified areas may be imposed by the Academic Registrar or nominee, or a practice suspension may be imposed for programmes that require Students to undertake professional placements (see Chapter 2, Annex 5 and Annex 8).

8.2 The Suspension shall normally be reviewed every 4 weeks (or earlier if new evidence becomes available, or it is appropriate to do so) by the Academic Registrar or nominee who may confirm, revoke, or vary the suspension in the light of any developments or of any representations made by the Student or anyone on their behalf. As per Chapter 2, Paragraph 16.

9. Non-Engagement

9.1 The purpose of this procedure is to work in partnership with students to find ways of supporting the to progress in their education, whilst providing adequate protection to them and other members of the university community.

9.2 Whilst the procedure is not intended to be in any way punitive, there are circumstances where if a student does not engage, with this procedure, it may not be possible for them to safely continue in their studies.

9.3 Where it is proportionate to the situation this may result in the Student being escalated to the Academic Registrar or nominee for a final decision on the Student's status at the University. Examples of outcomes include: further support, leave of absence, behaviour dealt with through disciplinary action or recommendation made to the Vice Chancellor that the Student is permanently excluded from the University.

10.Support

10.1 During all stages of the policy Students are encouraged to seek support from a companion. The role of the Student's Companion is not to offer formal representation, but to offer support and advice to the Student.

10.2 Examples of source of support a Student can access include:

- The De Montfort Students Union
- DMU's own welfare services
- External organisations and charities

11.Return to Study

11.1 Following a period of absence from the University it may be appropriate for the Student to return to resume studies and return to University. If this is the case, it will be necessary to ensure that the Student is supported by their Faculty and/or Programme team (which may include Associate Professor Student Experience, Programme Leader, Personal Tutor) with advice from welfare services.

11.2 Other members of staff within welfare service(s) will be available to provide advice and support, as appropriate, to facilitate the Student's transition back onto the course, particularly in relation to any action that might be required under the Equality Act 2010 and other relevant Equality Legislation. This will be arranged by the Faculty with the direct involvement of, or in consultation with welfare services.

12.A Student's right of appeal

12.1 The Student has the right to appeal against decisions made as part of this process. The Student can appeal in writing to the Academic Registrar or nominee and Academic Services, within 10 working days of being sent details of the outcomes of any stage of this process.

12.2 The ground for appeal are:

- There is new and relevant evidence which the Student was demonstrably and for the most exceptional reasons unable to present at the Panel hearing. This may include evidence of extenuation.
- That the Panel did not comply with its procedures, as set out above, in such a way that it might cause reasonable doubt as to whether the result would have been different had the Panel complied.
- That there is evidence of prejudice or bias

12.3 Academic Registrar or nominee may dismiss an appeal at this stage if in their absolute opinion it should appear that the grounds of appeal are so lacking in substance that further consideration would not be justified.

12.4 The Academic Registrar or nominee, shall convene the Appeals Panel and arrange for the appeal to be heard if they feel there is substance to do so. The Appeals Panel shall comprise: Chair: The Vice Chancellor (or nominee), A member of the Students' Union Executive Committee, and a member of staff from SAAS.

12.5 The student will be given notice in writing of the hearing and the members of the Appeals Panel due notice will be deemed to have been given if the notice and supporting information was securely using an encrypted and password protected document to the Students University email and any personal email addresses provided by the Student, no less than 10 University working days before the date of the hearing.

12.6 If the Student does not attend the hearing, without reasonable explanation, as determined by the Chair, the appeal shall be considered to have lapsed.

12.7 If the Student, on good grounds, wishes to object to any member of the Appeals Committee, the Student shall submit their objections in writing to be received by the Academic Registrar or nominee and Academic Services at least 5 University working days before the hearing. If the grounds for objection are upheld, an alternative member of the Panel will be identified.

12.8 The student has the right to appear and be heard and to be accompanied by a representative (as outlined in the Glossary to these Regulations).

12.9 The Appeals Panel may set aside, vary or confirm the decisions made as part of the student concern process.

12.10 The decision of the Appeals Panel is final and not subject to review by any other University body.

12.11 The Appeals Panel shall inform the student, the Academic Registrar or nominee the Head of Student Welfare and the PVC/Dean of the Student's Faculty of its decision.

13. Data Protection

13.1 The University and its Staff are governed by the Data Protection Act 2018 and the UK General Data Protection Regulation (GDPR). It also adheres to the duty of confidence and the Human Rights Act (Article 8).

13.2 Further information on confidentially and how DMU processes personal data, and the legal basis for doing so are within DMU's privacy notice and data protection information

Chapter 4 Academic offences and bad academic practice

1 Introduction

1.1 Upholding student academic integrity is of great importance to DMU. Students are expected to write assessments in their own words and to reference the sources they use in accordance with the conventions and obligations of their discipline. There are occasional exceptions where the exact words from existing sources need to be used in an assignment, including the use of direct quotations. However, Students should note that using the work of others word for word in any work submitted for assessment should be done sparingly and in accordance with De Montfort University referencing conventions.

1.2 Students who feel that they need assistance in writing appropriate English to help them avoid accidentally committing an academic offence should, in the first instance, seek guidance from their Module Leader or Supervisor. Further information and guidance can be accessed via the Library pages on the University's website. https://library.dmu.ac.uk/DMU

1.3 Students who the University has found to have engaged in bad academic practice or to have committed an academic offence, may ask the Office of the Independent Adjudicator for Higher Education (OIA) to review their case but only after the University's procedure has been exhausted and a Completion of Procedures letter has been issued. Information on the OIA scheme can be found at http://www.oiahe.org.uk.

1.4 In any case where a Student is accused of bad academic practice or of having committed an academic offence (and in either case whether acting alone or in conjunction with one or more other people) the standard of proving that the accusation has been established is the balance of probabilities (more likely than not). For both bad academic practice or an academic offence, the University must prove both that the factual allegations have been established and that in carrying out the acts complained of the accused person has done so intentionally.

2 Definitions

2.1 Bad academic practice

Bad academic practice is the presentation of work that is not the Student's own as if it were. It is the unintentional passing off of ideas, data or other information that are not within the realm of common knowledge in the discipline as if such materials were originally discovered by the Student, or it is the word for word duplication of short phrases in written work, in oral presentation, or equivalent duplication in non-written forms, where the source is not mentioned, and where such duplication is minor in scale. The expectation is that if cases of bad academic practice do occur they are only likely to occur at the first level

of an undergraduate award. However, there may be instances to be found throughout both undergraduate and postgraduate programmes.

2.2 It is an **academic offence** for a Student to commit any act, which is intended to modify or evade, in an unauthorised manner and/or by unfair means, the condition of assessment specified by the University in relation to a programme leading to a University award or an award offered by an external body. The following are examples of such an academic offence but do not represent an exhaustive definition**:**

2.3 Cheating in examinations

The list below applies equally to phase tests unless the instructions for the phase test explicitly state that certain activities are permitted. A candidate commits the offence of cheating in an examination if they:

- Deliberately acquire in advance knowledge of the detailed content of the examination.
- Copy from the examination script of another candidate.
- Allow another candidate to copy from their examination script.
- Provide information to another candidate in an examination
- Communicate (or attempt to communicate) with another candidate in an examination.
- Obtain any other assistance from another candidate.
- Use or have access to unauthorised material (as defined in 2.6 below).
- Impersonate another examination candidate or allow themselves to be impersonated.
- Have access to an electronic communication device during campus-based examinations.
- Refuse to comply with a reasonable request made by a member of University Staff where they suspect an incidence of cheating.
- Collude with others via social media to gain an unfair advantage, e.g. in the case of online examinations.
- Do any other thing with the intention of gaining unfair advantage over other candidates.

2.4 In such circumstances, all candidates concerned may be deemed to have committed an academic offence.

2.5 Contract Cheating

Contract cheating happens when a third party completes work for a Student who then submits it, in whole or in part to an education provider as their own. By definition contract cheating applies to Students who have actively engaged/hired or employed i.e. – contracted – a third party to do some part of their academic work for them, allowing the student to deliberately pass the work off as their own.

The contract element may involve some sort of financial exchange, often with an 'essay mill' or essay writing service. The term ‘contract cheating’ does not apply exclusively to essay mills or essay writing services. It can, for example, also include friends, family or other Students, private tutors and copyediting services completing assignments for students in whole or in part, and does not always involve a financial relationship. The fundamental distinguishing features of contract cheating is that a Student has deliberately and in a premeditated manner employed or engaged someone else to prepare the assessed work they have submitted. Contract cheating is a serious academic offence. Contract cheating has now been deemed illegal. The Criminalisation of Essay Mills became law in 2022 through the Skills and Post-16 Education Bill.

2.6 Unauthorised material

Unauthorised material is defined as any textual or numeric material or device which is not explicitly identified as authorised material in the examination paper rubric or any material transmitted via the internet, social media, or other electronic communication processes, and which may reasonably be considered to offer a candidate an unfair advantage.

2.7 It shall be an offence for a candidate to use or have access to unauthorised material at any time while the examination is in progress. The definition of ‘access’ includes but is not limited to, material on the candidate’s person, on or by their examination desk or access to social media.

2.8 Plagiarism

Plagiarism is the deliberate attempt to gain advantage by presenting any work, data or concepts (including drafts and work in progress) that are not the Student’s own as if they were. An example of this may be the word-for-word substantial duplication of phrases or sentences in written work, or in oral presentations and the creative arts, whether or not the original source is mentioned.

2.9 This definition of plagiarism also extends to non-written forms of production (for example, in performance, design, the making of artefacts or other objects) where equivalent duplications are made; this is sometimes referred to as ‘visual plagiarism’. An example of this may be where a Student’s work copies, parodies, appropriates, pays homage to, or pastiches a specific source/artistic work but fails to acknowledge or reference the influence or significance of this source. In all cases, such sources may include the work of other Students at the University or another institution or contracted third parties.

2.10 The University reserves the right to test any work submitted by a Student, for consideration by an academic member of Staff, for plagiarism. This includes the submission of student work to third parties for electronic testing. Content submitted to such third-party providers is only ever disclosed to another university or equivalent institution in the event of matching material being found.

2.11 Acquiring and submitting work not written or produced by the Student
It is an academic offence for a Student to acquire (or attempt to acquire) and then subsequently submit work that they have not written or produced themselves. Examples of this can include, but are not limited to, work that has been substantially amended and/or improved by a third party.

2.12 The Use of Language Generation/Enhancement Software/Websites
All work submitted must be a true reflection of a Student competence in the use of English language (or, in cases where the assignment brief explicitly requires the Student to produce the assignment in a language other than English, the language specified). This means that the use of any language generation/enhancement software or websites is strictly prohibited. The use of such tools will be considered as an Academic Offence.

2.13 Fabrication and/or falsification of results
It is an academic offence for a candidate to claim to have carried out experiments, observations, interviews, data collection, or any form of research, which they have not, in fact, carried out. Fabrication includes the creation of false data. Falsification includes but is not limited to, the inappropriate manipulation and/or selection of data or imagery.

2.14 Collusion
Collusion for the purposes of this Chapter 4 is the deliberate attempt to gain advantage by presenting work that is not solely the Student's own as if it were, where the source of the unreferenced work is that of another Student who has provided it to the Student in question knowing or suspecting that the Student in question was going to pass it off as their own. Being party to collusion in providing material for another Student is just as much an academic offence as using such material. Evidence of collusion may be that passages or phrases in written work or in oral presentations, have been copied by one or more Student from another's work, with the knowledge of both the Students who have copied and the Student who produced the original work. This also applies to work submitted in non-written forms. Students should not upload any part/parts of their work to 'sharing sites' such as social media platforms, where it may be copied. Collusion must not be confused with the good practice of collaborative learning and peer support. Collaborative learning means that a Student may benefit from sharing third-party material (books, articles etc) but unless the Student is explicitly instructed to plan, organise and write an assignment in a group of two or more, the Student must plan, organise and write assignment work individually.

2.15 Repeated bad academic practice

As per the definitions in Annex 1 Students who have repeated cases of bad academic practice could be found to have committed an academic offence and will be dealt with accordingly.

2.16 Re-use of assessed material

It is an academic offence to include work submitted for assessment material, which has already been submitted for a different assessment (whether in the current programme or for a different award at this University or any other institution) unless such inclusion has been agreed with the appropriate Module Leader or equivalent and is fully referenced. For example, work that has been submitted as part of a resit assignment for the same module as the original submission where the brief is clearly to improve upon an existing piece of work, e.g. projects, would be permitted. Students can utilise previous work as a building block for future work as long as this is explicitly referenced.

2.17 Ethics offences

Failure to follow correct procedures for undertaking research, including conducting research without ethics approval or in contravention of any approval that has been granted is considered an academic offence. Further information can be found here: https://www.dmu.ac.uk/research/ethics-and-governance/dmu-policies-and-external-requirements-.aspx

3 Actions to be taken in the event of suspected academic offences or bad academic practice (Students on taught programmes)

For information pertaining to research Students please, refer to section 4 of this chapter.

3.1 Informing the Academic Practice Officer and Chair of the Assessment Board

3.1.1 Bad academic practice

A finding that a Student's work contains instances of bad academic practice may be made:

- at year zero and all further levels either by a Module Leader or other appropriate member of the academic Staff without reference to an Academic Practice Officer, or
- by the appropriate Academic Practice Officer, if a Module Leader is unable to make a clear distinction between bad academic practice and plagiarism.

3.2 An Academic Practice Officer will always have the discretion to judge that a piece of work submitted to them on suspicion of plagiarism, instead constitutes bad academic practice.

3.2.1 Cheating in examinations
In accordance with the requirements of the Instructions to Invigilators, an invigilator shall, where a candidate is suspected of contravening the 'Regulations for Candidates', endorse the candidate's script at the appropriate point with the time and with a brief description of the incident and shall inform the candidate that the circumstances will be reported to the appropriate Academic Practice Officer and the Chair of the relevant assessment board.

3.2.2 Plagiarism, fabrication of results, collusion, reuse of assessed material, and other academic offences other than bad academic practice
In the case of a Student on a taught programme, when a supervisor, tutor or examiner suspects plagiarism, collusion, the fabrication of results, reuse of assessed material, or any academic offence other than bad academic practice in any work which forms part or all of a unit of assessment, including formal exams in any format, they shall report the matter to the appropriate Academic Practice Officer and notify the Chair of the candidate's assessment board for information.

3.2.3 Breaches of ethics requirements
Breaches of the Universities Research Ethics Code of Practice will be regarded as an academic offence. In deciding whether to refer to a disciplinary panel the APO will take into consideration the potential for harm to participants, the researcher themselves, and the risk of bringing the University into disrepute. The faculty Head of research ethics will be consulted for any breaches of ethics requirements.

3.2.4 Any Student or third party, has the right to draw the attention of an Academic Practice Officer to any suspicions of an academic offence. Anonymous reports will not be progressed.

3.3 Actions taken by the Academic Practice Officer

3.3.1 Consultation with the Executive Director of Student and Academic Services
In the case of a taught course Student, the Academic Practice Officer will act in accordance with protocols devised by the Academic Practice Officers Forum. This will include establishing whether the case is a first offence. The Executive Director or nominee will provide guidance on appropriate courses of action

in order to provide for consistency and fairness across the University.

3.3.2 Departmental Hearing
Where it is suspected that work submitted by a Student is not their own work, the Academic Practice Officer may require the Student to attend an oral examination or practical test in advance of a formal hearing, which may take place on the same day. The examination or test would normally be conducted by the Module or Subject Leader or the Academic Practice Officer (with additional subject specialist if required). The purpose of this examination or test is to establish whether the Student's familiarity with the work and subject is consistent with authorship of it. At least 5 University working days[1] notice should be given of such an examination or test.

3.3.3 **In cases of academic offences**, within 10 University working days of receiving a report from a member of Staff or from an examiner/invigilator, or a third party, the Academic Practice Officer, shall take action to inform the Student concerned in writing of the allegation and invite the Student to a formal hearing. This will be done in a secure manner, with information contained within an encrypted and password protected document, via the Student's university email address and any personal email addresses provided by the Student. At the hearing, the Student may make representations and submit any appropriate evidence.

3.3.4 **In the case of bad academic practice**, the matter will be dealt with in accordance with the tariff set out in Annex 1 to this Chapter.

3.3.5 The Student is entitled to be accompanied by a Student's Companion (as defined in the Glossary to these Regulations). The Student can choose to decline an invitation to attend the hearing and can make written representations instead, in which case the matter will be decided in the Student's absence. If the Student does not attend or respond to an invite to the hearing, the hearing will go ahead in their absence.

3.3.6 After considering any representations from the Student, including any evidence in mitigation, the Academic Practice Officer will decide whether there may be any substance to the allegations. The Academic Practice Officer can decide:

- to take no further action if they believe there is no case to answer

[1] Please note all timelines referred to within this chapter are subject to change as a result of University closure days, such as bank holidays and Christmas holidays

- to act in accordance with the options given in the bad academic practice and academic offences tariff (Annex 1 to this Chapter)
- to refer the case to the Academic Offences Panel as a major offence This will be the outcome for all suspected cases of contract cheating (see 3.4 below)

3.3.7 In addition to any action taken by the Academic Practice Officer in accordance with the relevant tariff, the piece of work in question will be awarded a mark, normally by the Module Leader, for consideration by the relevant assessment board. This mark will reflect the degree to which the work is impaired by bad academic practice or an academic offence and will normally be determined on those elements of the work, which are not impaired by bad academic practice or an academic offence. Alternatively, and in exceptional circumstances only, the Module Leader may require the work to be resubmitted.

3.3.8 In all cases the Academic Practice Officer will record the decision and inform the Executive Director of Student and Academic Services (or appointed nominee) of the outcome.

3.3.9 Standard penalties
Provided the Student admits the academic offence or bad academic practice, shows contrition and is not currently under investigation for another academic offence and provided the offence is minor, the matter will be dealt with in accordance with the tariffs set out in Annex 1 to this Chapter.

3.3.10 In cases where a Student has clearly exercised considerable ingenuity and forethought in the commission of the academic offence, and for all cases of suspected contract cheating, the Academic Practice Officer may refer the case to an Academic Offences Panel even if it is the Student's first academic offence. This may also be the case if there is evidence of (or suspicion of) collusion between Students in relation to cheating during an examination.

3.3.11 Any cases where a standard penalty has been imposed must be reported to the Assessment Board within 10 University working days following the meeting. A formal note and a copy of the written warning will also be placed on the Student's file.

3.3.12 If the Student has been failed in the work or module, then the assessment board shall determine whether the Student has the right to be reassessed in that work or module, subject to the University's normal re-assessment regulations and any specific subject, programme or module regulations.

3.3.13 All re-assessments require that the Student has sufficient re-assessment credits remaining. If the Student has insufficient

reassessment credits remaining then the marks presented to the assessment board shall stand and an appropriate decision made.

3.4 Student's right of appeal against a Decision of an Academic Practice Officer

3.4.1 If a Student believes that an Academic Practice Officer's decision was not reached in accordance with the procedures described in these regulations, then the Student may present their case, giving reasons, to the Executive Director of Student and Academic Services (or nominee) in writing within 10 University working days of the date on which the Academic Practice Officer notified the decision to the Student.

3.4.2 On receipt of such written representation the Executive Director of Student and Academic Services (or nominee) will review the action taken by the Academic Practice Officer. The Executive Director of Student and Academic Services (or nominee) may dismiss an appeal at this stage if in their absolute opinion it should appear that the grounds of appeal are so lacking in substance that further consideration would not be justified. If there are good grounds for the appeal, the Executive Director will appoint two Academic Practice Officers from outside the Student's Faculty to consider the case. The decision of the Executive Director of Student and Academic Services (or appointed nominee) shall be final and not subject to review by any other University body.

3.5 Referral to Academic Offences Panel

3.5.1 Cases involving Students on taught programmes must be referred to the Academic Offences Panel, where appropriate, in accordance with the guidance given in the tariffs at Annex 1 to this Chapter.

3.5.2 If there is any doubt, the matter must be referred to the Academic Offences Panel.

3.5.3 If the Academic Practice Officer decides to refer the case to the Panel, the Panel shall consider the case and shall be responsible for determining whether, and the degree to which, the allegations have been substantiated.

3.5.4 If the matter is referred to the Academic Offences Panel, the Academic Practice Officer shall provide the Panel with the Academic Services, supervisor's, tutor's or examiner's original report and any other information or observations which the Academic Practice Officer wishes the Panel to consider. The

Academic Practice Officer will normally be required to attend the Panel meeting.

4 Actions to be taken in the event of suspected academic offences or bad academic practice (Research Students)

4.1 In the case of a research Student, when a supervisor or examiner suspects either bad academic practice or an academic offence the matter shall be reported to the Faculty Head of Research Students (FHRS) or nominated deputy.

4.2 Where it is suspected that work submitted by a research Student is not their own (including drafts and work in progress), the FHRS will require the Student to attend a meeting to discuss the allegation. During the hearing an oral examination may be undertaken to establish whether the Student's familiarity with the work is consistent with authorship of it. At least 5 University working days' notice shall be given of this meeting.

4.3 The Student is entitled to be accompanied by a Student's Companion (as outlined in the Glossary to these Regulations). At the meeting the Student may make representations and submit any appropriate evidence. The Student can choose to decline an invitation to attend the meeting and can make written representations instead, in which case the matter will be decided in the Student's absence.

4.4 After considering any representations from the Student, including any evidence in mitigation, the FHRS will decide whether there is any substance to the allegations. If the FHRS believes there is substance then the matter will be referred to the Academic Offences Panel. This will happen in all suspected cases of contract cheating. If necessary, the FHRS will seek input from an Academic Practice Officer (from within their Faculty) who will advise on procedural matters and precedent where appropriate.

4.5 The Panel shall consider the case and shall be responsible for determining whether, and the degree to which, the allegations have been substantiated. The FHRS will be required to attend the Panel hearing to present the Faculty case.

5 Academic Offences Panel

5.1 An Academic Offences Panel shall consist of:

- Chair: The Vice-Chancellor, a Pro Vice-Chancellor/Dean or a Deputy Dean (or nominee).
- A member of the Students' Union Executive Committee.
- In the case of Students on taught courses, a member of academic Staff who has either been trained or is already experienced in such matters.

- In the case of a research Student, a member of the Research Degrees Committee.
- The Executive Director of Student and Academic Services or nominee.
- Additionally, in cases where the Student is enrolled on a programme leading directly to a professional qualification or the right to practise a particular profession or calling, a member of the relevant practice area or profession will act as a member of the Panel and provide an opinion on the accused Student's suitability for admission to and/or to practise the profession or calling to which the Student's programme directly leads in the light of the evidence presented to the Panel.

5.2 No panel members shall have been connected with the case.

6 Protocols for the conduct of an Academic Offences Panel hearing

6.1 Panels must take steps to ensure that a Student accused of an academic offence is given a full and fair hearing. In disciplinary proceedings such as these, the Panel need only determine whether or not an offence has occurred on a 'balance of probabilities. Members should demonstrate that the Panel has been 'both fair and reasonable' in its handling of the case.

6.2 A Panel hearing is a formal event, which may have grave implications for the Student and for the University. The fact that the matter has reached the stage of a full hearing means that the accusation against the Student is serious. It is most important that the evidence, including all relevant documents and records of communications between Staff and Students, should be carefully prepared in advance of the hearing. Members of Staff representing the University at a hearing will wish to present themselves and their case in a professional manner, commensurate with the seriousness of the occasion.

6.3 It is expected that the Academic Practice Officer or Faculty Head of Research Students who has been involved in the case will normally attend the panel hearing to present the faculty's case to the Panel.

6.4 The accused student will be given notice of the hearing. Due notice will be deemed to have been given if the notice and supporting information was sent securely using an encrypted and password protected document to the Students University email and any personal email addresses provided by the Student, no less than 10 University working days before the date of the hearing. If the Student does not attend the hearing, the hearing will go ahead in their absence.

6.5 The Student is entitled to be accompanied by a Student's Companion whose role is set out in the Glossary to these Regulations.

6.6 The procedure adopted by the Panel shall be as follows:

6.6.1 The accused Student has the right to appear and be heard and to be accompanied by a Student's Companion (as outlined in the Glossary to these Regulations). If the Student intends to exercise the right to be accompanied by a companion, they shall so inform the Academic Support Office in writing in advance of the hearing.

6.6.2 The Panel has the right to call witness and to examine any documentation it considers necessary.

6.6.3 The Panel will decide whether the charge is or is not proven and will decide on the penalty if the charge is proven. It will pass its conclusions to the relevant Assessment Board for recording.

6.6.4 Subject to the Student's right of appeal, the Executive Director of Student and Academic Services (or appointed nominee) will inform the appropriate members of Senior Staff of the Panel's decision. If a Student is not to be permitted to be reassessed and is to be expelled from the University, the Executive Director of Student and Academic Services will issue the notification of expulsion. Copies of the notification shall be sent to the following:

- Pro Vice-Chancellor /Dean of Faculty
- Director of Faculty Operations
- Associate Dean (Academic)
- Head of School
- Faculty Office Manager
- Director of Library and Learning Services
- Income Manager
- Student Finance and Welfare Manager
- in the case of Student Route Visa Students, the Immigration Compliance Manager
- in the case of research Students, the Chair of the Research Degrees Committee

7 Guidance notes on the conduct of a Panel hearing

7.1 The following notes are provided as guidance on the conduct of an Academic Offences Panel hearing:

7.1.1 The Panel members should be introduced to the Student and it should be confirmed that the Student has received the paperwork, including a copy of the procedures.

7.1.2 The Student should be reminded of the charge against them and asked whether they admit or deny the charge.

7.1.3 The person making the allegation of the academic offence will present the case, calling witnesses and presenting evidence as appropriate. The Panel and the Student shall have the opportunity to question the complainant and the witnesses. All such questions should be addressed through the Panel Chair.

7.1.4 The Student shall have the opportunity to present a defence including witness evidence as appropriate. Only in limited circumstances will witnesses be called to provide evidence in person in which case this will be at the discretion of the Chair. The panel and the complainant shall have the opportunity to question the Student and the witnesses. All such questions should be addressed through the Panel Chair.

7.1.5 The Student will be asked to make a concluding statement, presenting evidence of extenuating circumstances if wished.

7.1.6 The Panel will then go to into private session to consider the case and reach a decision.

7.1.7 All participants will then be invited to return to hear the Panel Chair announce the decision, the reasons for that decision and, where the allegation has been found to be proven, the penalty.

7.1.8 The decision of the Panel shall be final, subject only to the normal procedures available to Students for reconsideration of decisions concerning failure or termination of studies. (See section 8 below).

8 Outcomes/Penalties

8.1 Students on taught programmes

If a Student on a taught programme is found to have committed an academic offence, the Panel shall have authority to impose an appropriate penalty, which can include the following:

8.1.1 Expel the Student, the expulsion to incorporate failure of any and all assessments or examinations taken during that academic year. The Student will not be eligible for readmission to the University at any time in the future.

8.1.2 Reduce the degree classification achieved or to be achieved by the Student by one class (applicable to final level Students only).

8.1.3 Suspend the Student from the University for one year (or part thereof) and deem the Student to have failed only that academic year (or specified part thereof) and permit the Student to retake its assessments with or without attendance as determined by the

Panel. Overall module marks for any reassessments will be capped.

8.1.4 Deem the Student to have failed only that academic year (or specified part thereof) and permit the Student to retake its assessments with or without attendance as determined by the Panel. Overall module marks for any reassessments will be capped.

8.1.5 In certain circumstances, the Panel may impose a failure in the component or module (with a mark of zero) without referring the matter back to the Academic Practice Officer for reconsideration. Overall module marks for any reassessments will be capped.

8.1.6 Refer the matter back to the Academic Practice Officer for reconsideration under their powers and in accordance with the tariff in Annex 1 to this Chapter.

8.2 Any reassessments successfully attempted as a consequence of a candidate being found guilty of an academic offence would normally lead to a minimum pass grade for the module overall.

8.3 The outcome shall be reported to the appropriate Assessment Board.

8.4 Research Students

8.4.1 If a research Student is found by the Panel to have committed an academic offence the Panel shall have authority to expel the Student or to take such other action as it deems appropriate. However, the normal penalty for an academic offence in such cases would be expulsion.

8.4.2 The outcome shall be reported to the Research Degrees Committee and the Doctoral College.

8.5 Students on courses leading to professional qualifications

8.5.1 There are significant risks to the public if Students graduate with an award gained after having used contract cheating services, as graduates may be practising with inadequate professional skills. There are particular consequences in relation to professions that are professionally accredited or otherwise lead to professional status which could endanger public health and safety. Students should be made aware that their application to be admitted into a regulated profession may be put at risk if they have committed a deliberate academic offence.

8.5.2 If a Student registered on a programme leading directly to a professional qualification or the right to practise a particular

profession or calling, is found by the Panel to have committed an academic offence, the Panel, taking advice from the relevant practice or profession representative (see paragraph 5 above) may impose an appropriate penalty or penalties and in addition, if the penalty is not expulsion, may end that Student's registration on the programme and allow them to transfer into another programme within the University provided that:

- the academic offence would not render them unfit for admission to the new programme;
- the Student meets the normal entry requirements for the new programme;
- there is a place available on the new programme; and
- the Student is accepted as a suitable candidate by the faculty for the new programme.

8.5.3 Where such a case is found not proven or, for an exceptional reason the Academic Offences Panel believes the Student should be allowed to continue on their programme, the University will make every reasonable effort to ensure that, where satisfactory completion of a professional placement is a requirement, a suitable practice or professional placement can be found to enable the Student to complete their qualification.

8.5.4 However, it should be noted that the University cannot compel practice or placement providers to take Students who they believe are not suitable. If the University's efforts to find a suitable placement are frustrated in this way, the Student will not be able to continue on their programme. The Student will therefore be permitted to transfer to another programme within the University provided the conditions in 8.3.1 are met.

8.6 The University reserves the right to rescind and deprive a person of any award granted to them by or on behalf of the institution in accordance with the provisions of the Further and Higher Education Act 1992. These provisions may be applied in serious cases where academic misconduct, has been substantiated after an award has been conferred. Such cases will be dealt with using the procedures outlined above.

9 Appeal against the decisions of an Academic Offences Panel

9.1 A Student has the right of appeal against the decision of a Panel normally on the following grounds only:

- That there is new and relevant evidence which the Student was demonstrably and for the most exceptional reasons unable to present at the Panel hearing. This may include evidence of extenuation.
- That the Panel did not comply with its procedures as set out in sections 6 and 7 above in such a way that it might cause

reasonable doubt as to whether the result would have been different had the Panel complied.
- That there is evidence of prejudice or bias.

9.2 In the event of an appeal notice being received in accordance with paragraph 9.1, the decision of the Academic Offences Panel will not be carried out until the further appeal process is concluded.

10 Process for conducting an appeal against a decision of the Academic Offences Panel

10.1 Any Student wishing to appeal against a decision of the Academic Offences Panel shall give notice of the appeal in writing, stating clearly the specific grounds on which the appeal is based as listed in section 9 above, and providing appropriate documentary evidence. This notice of appeal must be submitted to the Executive Director of Student and Academic Services in writing, within 10 University working days of receiving formal notification of the Academic Offences Panel decision.

10.2 Notwithstanding the above, the Executive Director of Student and Academic Services may dismiss an appeal at this stage if in their absolute opinion it should appear that the grounds of appeal are so lacking in substance that further consideration would not be justified.

10.3 The Executive Director of Student and Academic Services (or nominee) shall convene the Academic Offences Appeals Committee and arrange for the appeal to be heard if they feel there is substance to do so. The Academic Offences Appeals Committee shall comprise:

- Chair: The Vice-Chancellor or a Pro Vice-Chancellor/Dean or a Deputy Dean (or nominee).
- A member of the Students' Union Executive Committee.
- A member of the Academic Board.

10.4 No person who has been consulted or involved in the particular case shall act as a member of the Academic Offences Appeals Committee.

10.5 The appellant and the complainant will be given notice in writing of the hearing and the members of the Academic Offences Appeals Committee. Due notice will be deemed to have been given if the notice and supporting information was securely using an encrypted and password protected document to the Students University email and any personal email addresses provided by the Student, no less than 10 University working days before the date of the hearing. If the Student does not attend the hearing, the appeal shall be considered to have lapsed.

10.6 If the Student, on good grounds, wishes to object to any member of the Appeals Committee, the Student shall submit their objections in writing to be received by the Executive Director of Student and Academic Services at least 5 University working days before the hearing. If the grounds for objection are upheld, an alternative member of the Panel will be identified.

10.7 The procedure adopted by the Academic Offences Appeals Committee shall be determined by the Committee and shall provide for the following:

10.7.1 The appellant has the right to appear and be heard and to be accompanied by a representative (as outlined in the Glossary to these Regulations).

10.7.2 The Academic Offences Appeals Committee has the right to call witnesses and to examine any documentation it considers necessary.

10.7.3 The Academic Offences Appeals Committee may set aside, vary or confirm the Academic Offences Panel's findings and/or may set aside, vary (including increasing) or confirm the penalty imposed. The decision of the Appeals Committee is final and not subject to review by any other University body.

10.7.4 Notwithstanding the above, the Vice-Chancellor (or nominee) may dismiss an appeal at this stage if in their reasonable opinion the grounds of appeal are so lacking in substance that further consideration would not be justified.

10.7.5 The Vice-Chancellor's decision made in accordance with paragraph 3.9 shall be final and not subject to review by any other University forum.

10.7.6 The Academic Offences Appeals Committee shall inform the Executive Director of Student and Academic Services and the PVC/Dean of the Student's Faculty of its decision

Annex 1: Normal Tariffs for Bad Academic Practice and Academic Offences (Students on Taught Programmes)

Activity	Instance	Student Level	Action
Bad Academic Practice Low level duplication without citation, for example unintentionally passing off ideas, data or other information as if originally discovered by the Student	First instance	All levels	Staff to discuss with Student. Mark awarded to reflect proportion of work that is original content. Discussion recorded and reported to Academic Practice Officer (APO).
	Second instance	All levels	Staff refers to APO normally by email so there is a record and informs Student when feeding back on assignment. APO decides whether to meet Student – normally within 10 University working days – issues a written warning and recommends appropriate actions to avoid future instances. Recorded and reported. APO may recommend that the mark awarded should reflect the proportion of work that is original content or, on occasion, recommend Student fails assessment task or component(s) (with a mark of zero) and the module mark capped if appropriate and not disproportionate in effect.
	Multiple concurrent instances	All levels	APO to investigate and using precedents makes judgement. Outcomes can include: 1. Following discussion with the Executive Director (or nominee), APO refers case to Academic Offences Panel. 2. APO recommends Student fails module(s) (with a mark of zero) 3. APO recommends Student fails component(s) (with a mark of zero) and the module mark capped if appropriate and not disproportionate in effect 4. The APO may require Student to take remedial action as appropriate and in accordance with reassessment regulations. 5. The APO recommends that the mark awarded should reflect the proportion of work that is original content. 6. The APO will refer all suspected cases of contract cheating to an Academic Offences Panel.
Academic Offence a) Cheating in examinations or any form of assessment or similar, e.g. phased tests b) Plagiarism c) Acquiring and submitting an assessment in the language of English not written by the Student d) Fabrication and/or falsification of results e) Collusion f) Reuse of assessed material g) The use of translation software h) Contract cheating i) Breaches of ethics requirements	Any Instance	All levels	

j) Other academic offences			

Annex 2: Academic offences committed overseas (taught courses)

1 Where an academic offence has been committed at a partner institution overseas and it is not feasible to deal with the matter at a partner institution of the University the provisions outlined below shall apply.

- Consultation on suspected instances of academic misconduct should be brought to the attention of the Academic Practice Officer via the designated Link Tutor in the first instance.
- The provisions of section 3, Chapter 4 above shall then apply except that the Academic Practice Officer shall take action to inform the Student of the allegation within 10 University working days of the offence being brought to their attention and will invite the Student to make any representations the Student thinks necessary, such representations to reach the Academic Practice Officer within 15 University working days.
- The Academic Practice Officer will decide whether to take the matter to an Academic Offences Panel, taking account of any representations received from the Student.
- If taking the matter to a Panel, the Academic Practice Officer shall formally approach the Executive Director of Student and Academic Services (or nominee), detailing the allegations and requesting agreement to proceed to the establishment of a Panel.
- If agreement is given, the Executive Director of Student and Academic Services (or nominee) shall, in consultation with the Academic Practice Officer, the appropriate PVC Dean and the associate institution, establish a Panel with membership from the associate institution equivalent to the membership of the standard Panel. Where appropriate, such a Panel may also include external and/or University membership.
- The Panel secretary will then give notice of the hearing in writing to the Student. The Panel will act in strict conformity with the provisions of these regulations.
- The Panel will then report its findings and recommendations to the Executive Director of Student and Academic Services.
- The Executive Director of Student and Academic Services (or nominee) will seek the agreement of the appropriate PVC/Dean to the recommendations of the Panel and will then formally notify the Student of the University's decision.

2 Any difficulties arising during this process will be referred by the Executive Director of Student and Academic Services (or nominee) to the appropriate Pro Vice-Chancellor who will resolve the matter as they see fit, reporting to the Academic Board on actions taken.

Chapter 5 Deferral of assessment on grounds of extenuating circumstances

The assessment of work is an important milestone in a Student's academic career. Assessments have to be scheduled for certain times during the University year, but the University accepts that it is possible that, in exceptional occasions, an individual Student's performance may be seriously impaired by severely adverse personal circumstances. In such cases, it is fair to defer the assessment until a later time and/or to disregard the mark awarded if the Student completed the original assessment at a time when their performance was seriously impaired by adverse personal circumstances.

Where a shorter-term issue has arisen, it may be appropriate to consider requesting an extension to a coursework deadline. Where a Student may be experiencing significant and long-term adverse personal circumstances, it may be appropriate to consider a complete break from studies –Leave of Absence. Information on extensions and Leave of Absence can be found in the Taught Programmes Academic Regulations, section 5: Academic regulations and assessment boards (dmu.ac.uk)

1 Notes

1.1 Deferrals should not be seen as an opportunity for Students to request deferrals in assessments of their choice to enable them to improve on their performance at the next sitting. Normally the University would expect deferrals due to on-going circumstances to be for all assessments in the period affected by the circumstances on which a deferral request is made.

1.2 The deferral of assessments alone is not an adequate measure to ensure DMU's compliance with the Equality Act, and in addition to considering the deferral request Students should be informed to contact the DAS or MHIT (as appropriate).

1.3 It should be noted that even Students who have adjustments in place may need to request deferrals because many health conditions vary in their impact and are difficult to plan for.

1.4 Students are expected to take deferred assessments at the next available opportunity as per the instructions from their Faculty.

1.5 Extenuating circumstances will not be considered by the University after a Student's marks (and/or award) have been verified by an Assessment Board and officially released to the Student.[1]

1.6 A deferral only covers the person named on the deferral acceptance letter. If an individual is granted a deferral on a piece of group work this does not automatically mean that others in the group are granted the same deferral, as deferrals are considered and granted on grounds of exceptional circumstance specific to the individual student. If other members of the group also need to defer their work, they must make their own deferral application.

1.7 Periods of suspension, debt hold, or debt exclusion will not be accepted as valid reasons for seeking deferral.

2 Definitions

2.1 **Deferral of assessment** occurs when a Student has permission from the University to take an assessment at a later date than scheduled, without it having an effect on their re-sit opportunities. This will be when the assessment is next normally offered, or, in the case of coursework or assignments, as determined by the relevant Panel (see paragraph 3 below).

2.2 **Deferrals are time-limited.** If a Student does not take the deferred assessment when it is next offered or when required by the relevant Panel, the deferral will be withdrawn and the Student will be failed in the deferred assessment(s) with a mark of 0. Notwithstanding the above, a deferral Panel may exceptionally determine otherwise or extend the term of the deferral following a further application from the Student.

2.3 **Extenuating circumstances** are genuine circumstances beyond a Student's control or ability to foresee, and which seriously impair their assessed work.

2.4 The above definition excludes cases where a whole examination may be affected by exceptional circumstances, such as serious disruption in an examination room. Such exceptional events are considered by the Assessment Boards concerned.

2.5 <u>Criteria for considering requests for deferral</u>

The Student must provide time relevant evidence of circumstances relating directly to a stated assessment or assessments and provide this

[1] Please refer to Chapter 8 of these Regulations for further information.

with the deferral form within published Faculty deadlines (see paragraphs 3.13 and 3.1.14) The purpose of this procedure is not to unnecessarily put barriers in the way of Students achieving their full potential. The reason for considering evidence is to avoid Students who wish, on a clearly fraudulent basis, to defer assessments. In order to demonstrate that the circumstances fulfil the definition of genuine circumstances beyond a Student's control or ability to foresee, which seriously impair their assessed work, they must demonstrate the following degree of seriousness:

- Serious illness or death of a member of the immediate family; which can be, but not limited to a parent or guardian, child, brother, sister, spouse or partner.
- An episode of a serious debilitating illness involving an authorised absence from study of at least three weeks, for example Students with mental or physical health conditions who may have a period of time when they are unable to perform as effectively.
- A serious accident or acute illness occurring immediately before or at the time of the assessments concerned.
- An acute or sudden change to a long-term condition.
- Jury service.
- Other unforeseen circumstances, of equivalent weight, that have seriously disrupted the ability to study, for example the need to act as a carer or care for a very ill child over a number of weeks.

[It is recognised that the standard of the evidence produced will often be beyond the direct control of the Student, and decisions will be made on the balance of probabilities, taking into account all the evidence at hand.]

2.6 Circumstances such as the following would not be acceptable to the Panel:

- Minor illness (such as a cold), manageable illness or indisposition, or injury not falling within the definition of serious debilitating illness or serious accident, or acute illness as stated above.
- Circumstances arising from paid employment.
- Circumstances arising from voluntary activities that the student has chosen to engage with.
- Circumstances which arise from negligence or carelessness, for example failure by the Student to get up on time, failure to attend at the right time or location for an examination.
- Circumstances which could have been avoided by good planning, for example #DMUglobal trips, holiday or travel arrangements, including allowance for delays and cancellations.
- Loss, damage or failure of personal IT hardware or personal IT files.

2.7 The lists above are examples of acceptable and unacceptable circumstances in relation to requests for deferral, but they do **not** represent an exhaustive definition of such circumstances.

3 Rights and responsibilities

3.1 Rights and responsibilities of Students

3.1.1 Any Student has the right to draw the attention of the University to personal extenuating circumstances which seriously affected their assessed work, and to request deferral of the assessment. The Student must, however, do so in accordance with the Regulations and with the University procedures outlined below.

3.1.2 It is the Student's responsibility to ensure that requests for deferral on grounds of extenuating circumstances are made on the form devised for the purpose, available from Faculty Offices, the University website and from Student and Academic Services. The form must clearly list each assessment and the submission deadline for which deferral is being requested and be personally signed by the Student before submission.

3.1.3 It is the Student's responsibility to obtain the evidence required to allow the Panel to reach a decision. The University will require time relevant third-party evidence to support the Student's own claims for deferral. The Student is responsible for attaching documentary evidence to, and submitting it with, the request form, simply providing contact details of third parties is not acceptable. Retrospective medical certificates will normally only be accepted if the Student consulted the doctor at the time of the illness and this is stated by the doctor on the certificate.

3.1.4 In relation to examinations, it is expected that any evidence submitted from a doctor or other health, or social care professional will contain a clear professional opinion that the illness/condition cited will affect the Student's performance on the date of the examination(s) concerned. A letter stating that a Student reported (to the doctor) that they were unable to attend an examination will not normally be accepted as appropriate third-party evidence.

3.1.5 All third-party evidence must be provided with a signature and valid contact details. Any attempt to provide fraudulent evidence will result in disciplinary procedures outlined in Chapter 2.

3.1.6 In the case that the Student cites third party events having affected their ability to perform academically, evidence will be required to state how that event has affected a Student's ability to perform. e.g. how an illness or death of a family member has impacted on a Student's wellbeing, not just evidence of the illness or death.

3.1.7 If it is not possible to include the relevant third-party evidence at the time the form is handed in, the form should still be submitted before the stated deadline with a note to say that supporting evidence will follow. In any event, the evidence must be submitted before ratified results are published.

3.1.8 Submission of a deferral request form must be in line with the published deadline, this can be found on the University website.

3.1.9 Note that deferral requests received after published Faculty deadlines will not be considered.

3.1.10 Note that Students who submit false or fraudulent documentation will be subject to the University's disciplinary procedures outlined in Chapter 2. The University reserves the right to contact third parties for the purposes of verifying supporting documentary evidence, however it is not the University's responsibility to contact third parties to seek the initial evidence supporting the deferral request.

3.1.11 In exceptional circumstances, if a Student has been unable to submit coursework or attend an assessment, they may use self-certification to accompany an application under the deferral process if they are unable provide any other form of timely evidence.

3.1.12 Self-certification may only be used once, during each programme registration period (a period determined by the programme start date). If a Student continues their education at De Montfort University and registers on a further programme of study, their entitlement will be re-set. It may be used to cover one or more assessments which are due to be submitted or taken in the same assessment period.

3.1.13 The Student has the right to submit supporting evidence in confidence. It is normally in a Student's interests for extenuating circumstances to be discussed by the full Panel. However, it may be that a Student wishes supporting evidence of an exceptionally

sensitive or personal nature to be seen only by the Chair of the Panel. If so, the supporting evidence must be sent in a separate Confidential email: from (Student's name) and addressed to the Chair of the appropriate Panel, clearly marked 'Extenuating Circumstances'. Alternatively, a password protected document may be submitted electronically.

3.1.14 The Chair of the Panel will read the confidential evidence and inform the Panel, at its meeting, that confidential evidence has been received. The Chair will give the Panel his or her opinion on the seriousness and relevance of the evidence but will not disclose the material without the permission of the Student.

3.1.15 It is the Student's responsibility to ensure that the form is submitted to the appropriate office as follows:

Students on undergraduate programmes:

- Requests for deferral of formal examinations must be submitted the Faculty Student Advice Centre.
- Requests for deferral of coursework and faculty-based tests (such as phase tests) must be submitted to the Faculty Student Advice Centre.

Students on taught postgraduate programmes:

- Requests for deferral of formal examinations and assessments must be submitted to the Faculty Student Advice Centre.
- Requests for deferral of coursework must be submitted to the Faculty Student Advice Centre.

3.1.16 Forms should be submitted as close in time as possible to the circumstances which they describe, please see the website for deadline guidance. Unless there are wholly exceptional and valid reasons (such as physical incapacity due to a serious accident), supported by third party evidence, for the request not having been submitted by the deadline.

3.1.17 Deferrals will not be accepted retrospectively i.e., after publication of ratified results or if the request is submitted beyond the published deadlines.

3.1.18 Deferrals will not be accepted for work which has been submitted and for which the Student has received unratified marks and feedback.

3.2 Rights and responsibilities of University Staff

3.2.1 The Faculty Student Advice Centre is responsible for issuing a receipt, normally via email to the Students University email address as evidence of submission of requests from all Students for deferral of exams, coursework and faculty-based tests.

3.2.2 The Faculty Student Advice Centre is responsible for ensuring that all such cases are referred to the appropriate Faculty Panel.

3.2.3 Panels considering requests for deferral have the right to reject late submissions and circumstances which do not relate in time to the assessment concerned.

3.2.4 The Student's Faculty Student Advice Centre is responsible for ensuring that the Student is notified in writing, normally via email to the Students University email address, of the outcome of their application for deferral of coursework, assessments and faculty-based tests, e.g. phase tests.

3.2.5 Panels considering requests for deferrals in formal examinations have the right to approve the deferral of all examinations (not merely those requested) if the evidence submitted crosses the whole exam period.

4 Procedure for consideration of requests

4.1 Constitution of Panels

4.1.1 Each Faculty has established its own Panel to consider requests from Students on all programmes for deferral of all assessments (exams, coursework or faculty-based assessments such as phase tests).

4.1.2 The Faculty Panels are chaired by the Faculty Associate Dean (Academic) (or nominee) and their membership comprises appropriate senior academic Staff and the Director of Faculty Operations (or nominee).

4.1.3 All evidence is considered on the Balance of Probability.

4.2 Panel Procedure

4.2.1 All Panels convene regularly throughout the academic session. Deadline dates by which requests and accompanying evidence must have been received by Student and Academic Services and faculty offices are published annually[2].

4.2.2 Requests received after the deadlines will be dismissed. Requests received after results have been published for the assessments for which deferral is sought will not be considered.

4.2.3 For any examinations (undergraduate and postgraduate) that fall outside the main examination periods, the deadline will be in line with the Assessment and Feedback Policy. Where there is no timely Panel meeting, straightforward requests will be dealt with by the Panel's nominated representative, except that requests may only be rejected on the authority of the Panel Chair (or nominee) in consultation with another Panel member.

4.2.4 Each Panel shall consider the evidence provided in support of the application for deferral of assessment. If the Panel accepts that the evidence clearly demonstrates that, at a time closely relating to the assessment, the Student's performance was seriously impaired by adverse personal circumstances, the Panel shall direct deferral to the next normal scheduled date of the assessment.

4.2.5 If the Student has already completed the assessment(s) for which deferral is being requested, and the Panel accedes to the request, the Student's examination script or other work submitted for assessment will not be marked. If it has already been marked, the mark or grade or other outcome shall be declared void and shall not be entered on the Student's record either at this time or at any future time. Once a deferral request has been accepted by the Panel a Student may not retract said request at a later date.

[2] Deadline information is obtainable from Faculty Offices

4.2.6 The decision of the Panel shall be final, except that a Student has the right of appeal on the following grounds only:

- That there is new and relevant evidence which the Student was demonstrably and for the most exceptional reason unable to provide in the first instance.
- That the Panel did not comply with its own procedures as set out above.

4.2.7 Any Student wishing to appeal must do so in writing, stating clearly the specific grounds on which the appeal is based, to the Student Appeals and Conduct Officer via email to acasupportoffice@dmu.ac.uk within 10 University working days of the Panel decision.

4.2.8 On receipt of such an appeal the Student Appeals and Conduct Officer will convene the Academic Board Panel who will consider the case. The Student is not required to be in attendance.

4.2.9 This decision shall be final and not subject to review by any other University Body.

4.2.10 The decision shall be immediately reported to the appropriate Assessment Board and notified to the Student in writing.

5 Circumstances affecting deadlines for coursework

5.1 In respect of requests for extensions of coursework deadlines, please refer to the Academic Regulations.

6 Attendance at examinations and other scheduled tests

6.1 Whenever a Student is absent from an examination or other scheduled test it is in their own interests to inform the relevant tutor as soon as possible of any extenuating circumstances which prevented attendance, and to submit a request for deferral, if appropriate.

6.2 Where a request for deferral is not granted in the case of unauthorised absence from an examination or other test, a mark of 0 is awarded for that examination or test.

6.3 Students are individually responsible for making adequate arrangements to ensure that they are able to attend examinations or other scheduled

tests, and must make do allowance for unusual circumstances which can reasonably be anticipated. A Student who is prevented from attending an examination or other scheduled test by exceptional and unforeseeable weather conditions should immediately contact the Student Gateway for guidance on the relevant procedure.

7 Professional Body requirements

7.1 In cases where professional bodies so require, the consideration of requests by Students for deferral of assessment will be undertaken by the relevant Assessment Board rather than by the Academic Board Panel. In such cases, the evidence provided could point to the need for consideration of Fitness to Practise issues and would therefore be forwarded to the Fitness to Practise team.

Chapter 6 Regulations for candidates sitting internally set De Montfort University examinations

Please note, there may be some examinations that will be sat online and remotely, in which case these regulations still apply. However, Students are to refer to specific guidance for taking examinations remotely. Exam guidance can be found on the DMU website.

1 Instructions to all candidates who are sitting a face-to-face exam

1.1 Candidates must:

1.1.1 Ensure that they know the date, time and location of all examinations which they are required to sit, including keeping track of changes to the published schedule;

1.1.2 Arrive at the examination room at least 20 minutes before the start of the examination;

1.1.3 Note that if a candidate is absent from an examination a mark of zero will be awarded unless a deferral for that examination has been granted [1].

1.1.4 Read carefully the instructions on the examination paper and the examination answer book;

1.1.5 Note that the University reserves the right to schedule examinations and assessments on any day or time of the week, including weekends.

1.2 Candidates are reminded that it is an academic offence to commit any act which is intended to modify or evade, in an unauthorised manner and by unfair means, the conditions of assessment specified by the University. Chapter 4 of the General Regulations and Procedures Affecting Students deals in detail with academic offences. The regulations relating to examinations prohibit any attempt by a candidate to complete their examination script by unfair means, or to communicate with any other candidate in the examination room (including copying from any other candidate's script, allowing their own script to be copied, and passing material to or receiving material from any other candidate).

1.3 No candidate shall attempt to complete their script by unfair means, or communicate with another/others inside or outside the examination room.

[1] The procedure for requesting deferral in an examination is explained in Chapter 5 of these Regulations.

1.4 Candidates' behaviour should respect other candidates' rights to an examination environment free from unnecessary distraction or disturbance at all times.

1.5 Where it has been established in accordance with approved procedures that a candidate has cheated or otherwise committed an academic offence as outlined in Chapter 4, the candidate may be failed for all or part of the assessment and may also be excluded from the University.

1.6 Candidates are required to produce their University ID Card at every examination which they take. Candidates should place their cards on their examination desk for inspection by an invigilator.

1.7 Candidates must bring their own pens, pencils, including spares and ruler, and may use drawing instruments. These materials may only be brought into the examination room in clear bags/cases. Any additional materials may only be used when issued by the invigilator or where specifically allowed in the rubric of the examination paper. Invigilators do not provide Students with stationery.

1.8 Candidates may not bring into the examination room any electronic device unless approved in advance. This includes mobile phones, smart watches, fitness trackers, earphones or ear pods, and any data storage or internet enabled device. All unapproved electronic devices must be switched off and placed in the plastic bag provided on the exam desk and then placed on the floor under the exam desk. For the purposes of this regulation, examinations shall include any formally assessed session, including, for example, assessed laboratory sessions.

1.9 The University reserves the right to implement security processes, such as the use of a hand-held metal detector, to confirm the absence of such devices.

1.10 Non-compliance with this regulation will be regarded as an academic offence and will be dealt with under the Academic Offences Regulations (Chapter 4 of these Regulations).

1.11 Unless specifically prohibited, a candidate may use an electronic calculator which performs the usual arithmetic functions (addition, division, calculation of percentages, etc).

1.12 Except where specifically provided for in the rubric of a particular examination paper, a candidate may not use a programmable calculator which can store textual information or formulae. Where such devices are found invigilators will require the calculator memory to be cleared and

reset and the matter will be reported to the Faculty Academic Practice Officer, as per Chapter 4 of these regulations.

1.13 As a general rule, invigilators will ask Students to hand in calculators with a full alphabet face unless the rubric specifically allows for their use.

1.14 Possession by a candidate of a programmable calculator or any kind of dictionary, where this is not allowed in the rubric, will be deemed to be evidence of an attempt by the candidate to complete the examination by unfair means, and will be dealt with as an academic offence under the University's regulations.

1.15 If any candidate brings into the examination room any notes, drawings, tracings or books (including electronically stored information), other than those which may be specifically permitted by the particular rubric of the examination, it is the responsibility of the candidate to give them up to an invigilator, or otherwise remove them from their person (including clothing), desk and/or vicinity of their desk before the commencement of the examination.

1.16 Possession by a candidate of any unauthorised material (which is defined as material not expressly permitted within the examination room) during the course of an examination will be dealt with as an academic offence under the University's regulations.

1.17 Candidates should note that invigilators do not have to be satisfied that a candidate has used or attempted to use the unauthorised material. The mere possession of that material is sufficient for the candidate to be charged with an academic offence.

1.18 Candidates may not bring into the examination room a text or electronic dictionary of any kind, except where specifically provided for in the rubric of a particular examination paper.

1.19 Invigilators will have access to a standard, University approved, English dictionary. Candidates are permitted to request sight of that dictionary to check the meaning of a word. Candidates may bring a drink into the examination room in a container with all labels removed. Small items of food are permissible if authorised by the invigilator (i.e. packets of mints/sweets). These must be in a clear container, and must have minimal impact on the examination environment and other examination candidates.

1.20 No candidates may enter the examination room until authorised to do so by the principal or senior invigilator.

1.21 No candidate is allowed to enter the examination room later than fifteen (15) minutes after the start of the examination. This timescale applies to all examinations, regardless of their duration.

1.22 Candidates are allowed five minutes reading time before the start of the examination to read and check their papers. Invigilators will announce when this time starts.

1.23 Before the end of the examination, candidates are advised to complete the cover sheet of their answer book with their name (or candidate number if applicable), programme, subject and level of examination, date of the examination and details of the campus and room where the examination is taking place and their own seat numbers However, candidates may not write notes or write in their answer books until the principal or senior invigilator announces that they may start to do so.

1.24 Candidates must use only the approved examination stationery. Rough work must be completed on the approved stationery and handed in with the worked script. Candidates may not bring blank paper into the examination, even if it is classed as an open book examination. Candidates may not remove any examination answer book or any part of any examination answer book from the examination room.

1.25 Except where otherwise stated on the question paper, all answers must be written in English. All answers must be legible to the markers; otherwise a fail mark will be recorded. Candidates must carefully follow exam instructions; markers will only consider answers that adhere to the exam rubric and will mark answers in the order they have been written.

1.26 If a candidate wishes to ask a question, they must raise a hand and wait until an invigilator is able to attend to them.

1.27 A candidate wishing to leave the examination room temporarily must first obtain the permission of the invigilator. Such requests will not normally be prioritised in the first hour of the examination.

1.28 No candidate shall withdraw from the examination until it has been in progress for at least one hour, and then only with the permission of the invigilator, to whom the candidate must personally hand their script. This timescale applies to all examinations, regardless of their duration.

1.29 Any candidate who leaves the examination room without the permission of an invigilator shall be deemed to have withdrawn from the examination and shall not be re-admitted to the examination room.

1.30 To avoid disturbance to others, candidates may not leave the examination room during the last fifteen minutes of the examination.

1.31 No candidate shall continue writing after the principal or senior invigilator has announced the completion of the time allowed for the examination, except, with the permission of an invigilator, to complete the information on the cover of the answer book.

1.32 At the end of the examination, candidates must remain seated, in silence, until all scripts have been collected by the invigilation team.

1.33 Any candidate who is suspected of contravening any of the above regulations will be so advised by the principal or senior invigilator who will endorse their script and inform the candidate whether they may continue with the examination.

2 Individual examination conditions

2.1 This provision applies to all Students studying at De Montfort University, Leicester.

2.2 Students studying at partner institution's must follow their own institution's procedures and should contact the Higher Education Co-ordinator for advice in the first instance.

2.3 Students taking examinations which are governed by the regulations of professional or external awarding bodies may need to meet different criteria in order to qualify for special examination conditions. The University will comply with any relevant professional requirements or guidelines.

2.4 Students who become ill or sustain an injury shortly before the examinations are due to take place are advised to seek a deferral of assessment, see Chapter 5 of these Regulations.

2.5 Students requiring individual arrangements for formal written examinations should bring these to the notice of the University as early in each academic year as possible. The application process may involve referrals to third parties and/or the submission of relevant evidence and/or specialised support (refer to section 2.8) so can take some time to complete. Individual arrangements are not automatically transferred to the University from previous institutions. Please contact Disability Advice and Support or the Mental Health Inclusion team.

2.6 The deadline for completion of the application process for the May examination period for Students on standard undergraduate programmes is published on the Examinations webpage.. For other examination schedules the deadline is six weeks before the date of the examination(s) for which the Student is seeking individual conditions for Students on non-standard programmes, for example postgraduate, Nursing and Midwifery programmes or some apprenticeships. It is the student's responsibility to complete the application process within the deadlines. The University will not be able to make arrangements for individual conditions where applications are submitted after these stated deadlines.

2.7 Students requiring Individual exam arrangements must participate in an assessment of need with Staff in Student Welfare. Recommendations will then be made to Academic Services.

2.8 Further advice is available on the Student and Academic Services web pages.

2.9 Individual conditions may be granted for those disabilities as defined by the Equality Act 2010. The University will consider making reasonable adjustments for Students who have a health or medical condition which is likely to be of a shorter duration, and therefore not meet the Equality Act definition of disability.

Chapter 7 Student personal data: capture, retention and disposal

1 Introduction

1.1 The University is committed to ensuring that the personal information of all Students is handled in accordance with the principles of current Data Protection legislation, including the UK General Data Protection Regulation and the Data Protection Act 2018 and other relevant related legislation ("Current Data Protection Legislation"). Students' personal data is held for the purposes set out in full in the University's Privacy Notice: https://www.dmu.ac.uk/policies/data-protection/data-protection.aspx .

1.2 These purposes include:

- Maintenance of a Student's record (including personal and academic information)
- Management of academic processes (including teaching, assessment and the conferment of awards)
- Provision of support
- Management of University owned and sourced halls of residence
- Management of disciplinary processes.

2 Disclosure of examination and assessment results to Students

2.1 This section sets out the agreed policy on the disclosure of examination and assessment results to Students. The Code of Practice below satisfies the legal requirements for the disclosure of information under current Data Protection legislation.

2.1.1 The University treats examination and assessment results with strict confidentiality. Results are communicated to Students on an individual basis.

2.1.2 The University will confirm to each Student the results which they have been awarded in respect of each individual assessment.

2.1.3 The assessment and grading of Student performance, and decisions about intermediate and final awards, are the responsibility of the relevant Assessment Boards.

2.1.4 The results awarded to Students for each individual assessment will be determined in accordance with the University and subject regulations.

2.1.5 As soon as possible after Assessment Board meetings, candidates will be informed of the final results which they have achieved in individual assessments.

2.1.6 The notification of examination results to Students does not imply any element of negotiability regarding those results, nor is it related to the formal procedures which exist for the review of Assessment Board decisions. Staff must not discuss with Students the proceedings of Assessment Boards.

2.1.7 Except for data determined and stored from previous Assessment Board meetings, no final examination or assessment results should be subject to automated data storage. No 'new' final examination or assessment results should be placed on a machine automated file prior to 40 calendar days before the date on which an Assessment Board is to consider such assessment.

2.1.8 By making final stage results available to candidates under the standard procedures set out above, the University would expect to minimise requests on other occasions for access to machine-stored data. Adherence to the directions in paragraph 2.1.7 above will mean that information available to individuals through such applications will only be that which has been formally considered and presented to an Assessment Board.

2.1.9 Applications by data subjects for access to machine-stored data otherwise than under the standard procedures set out in paragraphs 2.1.1 to 2.1.5 above will be dealt with as they arise. A person may only apply for access to their own examination data, subject to exemptions within data protection legislation. Applications must be made in writing to the Information Governance team via dataprotection@dmu.ac.uk.

3 Disclosure of information about Students

3.1 The disclosure of any personal information about Students is subject to the requirements of current Data Protection legislation where applicable.

3.2 All requests from outside the University for disclosure of information about current or former Students should be considered in the light of the following guidance. In considering such requests, members of the University should observe the general principle that information relating to an identifiable individual must not be disclosed without the consent of the individual concerned, unless the reason for the disclosure is explicitly

stated on the published Privacy Notice and Records of Processing on the DMU website. Any exceptions must be agreed with the Information Governance Manager (or nominee).

3.3 Requests for information about individuals must be made in accordance with current Data Protection legislation and addressed to the University's Information Governance Manager (or nominee).

3.4 Requests for information made in accordance with the Freedom of Information Act must be addressed to the University's Information Governance Manager.

3.5 The University will disclose information of a specified kind, upon verification of identity, to a representative who has been named by a Student to act on their behalf.

3.6 The University will disclose certain information, including details of attendance and academic progress, to the sponsor(s) of a Student where such disclosure is a specific condition of the sponsorship and this has been evidenced.

3.7 In the case of apprenticeships, the University will release information regarding an Apprenticeship (including attendance, safeguarding concerns (where appropriate), marks, performance monitoring, and progression) to the apprentice's employer on request.

3.8 The University may undertake to make reasonable attempts to pass on information from a third party to a Student without acknowledging to the third party whether or not the individual is a student at DMU.

3.9 The University will not accede to requests for personal data about groups or categories of Students where individual Students might be identified unless it is able to secure the consent of each individual Student concerned.

3.10 Students who have successfully completed their programmes of study are usually eligible to attend graduation ceremonies or similar public events. Graduation brochures, and other material associated with such events, may contain lists of Students who have achieved degrees and other academic awards. Students will be given the opportunity to opt out by a certain date. Graduation FAQs (dmu.ac.uk)

3.11 In cases of any doubt, advice should be obtained from the University's Information Governance Manager (or nominee).

4 Policy on image capture

4.1 The General Data Protection Regulation and the Data Protection Act 2018 regulate the use of all personal information, including physical, physiological or genetic characteristics. This means that photographs of individuals where the individual can be identified fall within the scope of Data Protection legislation and are therefore subject to data protection principles.

4.2 From time to time the University may arrange for photographs (including video photography) to be taken which may include individual subjects or groups of individuals depending on the particular circumstances.

4.3 The photographs taken by the University may be used for promotional, marketing, training, teaching or assessment purposes. These may include (but are not limited to) the production of printed materials such as the University prospectus, brochures, the posting of photographs on the University's website or the use of video photography in television advertising.

4.4 The legal basis for this use is Legitimate Interests. Any Student who has objections to their image being captured should inform the University's Information Governance Manager. It should be noted that where a Student is present within a picture where they are not the primary subject (for example where they are in an audience or crowd) then they do not normally have the right of erasure. Where they are clearly the central figure in a photograph, they can object to said processing and request erasure.

5 Retention and disposal of Student records

5.1 All records kept by the University are held in accordance with the Records Retention Policy held by the Information Governance Manager and available on the University website here: https://www.dmu.ac.uk/about-dmu/quality-management-and-policy/records-management/records-management.aspx . Most records with regard to Students are retained for a minimum of six years after graduation, dismissal -or withdrawal from the University. Records may be kept longer than this minimum if there is a legitimate and reasonable business need for the University to keep such records.

5.2 If, after six years, a Student's record is destroyed, the individual Student's final transcript and assessment board minutes will be retained to enable the University to verify a Student's achievements.

Chapter 8 Students' right of appeal against Assessment Board or Research Degrees Committee decisions

Students subject to this procedure may ask the Office of the Independent Adjudicator for Higher Education (OIA) to review their case but only after the University's procedure has been exhausted. Information on the OIA scheme can be found at http://www.oiahe.org.uk.

1 Definitions

1.1 A Student has the right to appeal for reconsideration of a decision by an assessment board or, in the case of a research Student, a decision of the Research Degrees Committee or Examiners:

1.1.1 Concerning an assessment outcome in a module or modules or constituent parts of a non-modular programme, subject to the permittable grounds as in 1.3.

1.1.2 Concerning the determination of progression or non-progression, or determination of an intermediate or final award, or a decision not to make an award or additionally, in the case of a research Student, a decision to end their registration or the outcome of the formal milestone.

1.2 A Student whose appeal is pending retains Student status, all liability for fees, and is entitled to proceed (provided that their other results do not bar the Student from doing so) until the appeal is resolved. Entitlement to proceed normally relates to theoretical work only and not to work-based learning (e.g. placement or practice).

1.3 The grounds on which a Student can appeal for reconsideration of an Assessment Board decision are limited to the following:

1.3.1 <u>During the assessment or examination</u>

There were demonstrable errors in the conduct of the examination or assessment or decision-making processes which are of such a nature as to cause reasonable doubt as to whether the result would have been different had they not occurred. Examples of this may include irregularities in a formal examination, irregularities in the setting or conduct of some other form of assessment, defective communications about an assessment or non-compliance with published documentation. Where possible, Students should provide evidence to substantiate any claims of demonstrable errors by the University during the assessment process.

1.3.2 During the marking and decision-making process

There are alleged errors in the University quality assurance processes of marking, internal and external moderation and/or consequent decision-making. Students are not permitted to question the academic judgement of the examiners, see point 1.5 below.

1.3.3 In considering whether the circumstances put forward by the Student fulfil this ground for appeal the Student Appeals and Conduct Officer (or nominee) will expect the Student to provide evidence that their expectations of the outcome of the assessment were markedly different.

1.3.4 These are examples of acceptable circumstances in relation to this ground for appeal but they do not represent an exhaustive definition of such circumstances.

1.4 Students on externally verified Further Education programmes may have an additional avenue of appeal. If an appeal is not resolved to the candidate's satisfaction, the matter may be referred to the External Verifier. In certain circumstances, a further appeal may be made to the head of the awarding body, whose decision will be final.

1.5 Disagreement with the academic judgement of an Assessment Board or Research Degrees Committee in assessing the merits of an individual piece of work cannot in itself constitute grounds for an academic appeal. In such cases the Student Appeals and Conduct Officer (or nominee) reserves the right to dismiss the appeal as being without substance (see paragraph 2.3).

1.6 Given that there are procedures for complaint and redress during the study period which Students should use at the time issues arise, allegations of inadequacy of tuition or supervision or any other arrangements during the period of study will not constitute grounds of appeal unless there are exceptional reasons why the matter was not raised until after the Assessment Board or Research Degrees Committee. This should be clearly stated in the appeal documentation submitted. In such cases the Student Appeals and Conduct Officer (or nominee) reserves the right to dismiss the appeal as being without substance (see paragraph 2.3).

1.7 Students should note that extenuating circumstances (including periods of suspension, debt hold or debt exclusion) are not grounds for an

academic appeal and will not usually be considered by the University once a Student's marks (and/or award) have been verified by an Assessment Board or Research Degrees Committee.

1.8 In exceptional circumstances where a Student receives a retrospective diagnosis of a health condition or learning difficulty which they could not reasonably have known about at the time of their assessments the Student Appeals and Conduct Officer (or nominee) will consider such cases taking into account the individual circumstances of the Student and the medical and/or professional evidence supplied.

1.9 The Student Appeals and Conduct Officer (or nominee's) decision in such cases shall be final and not subject to review by any other University forum.

2 Process for conducting an appeal for reconsideration of a decision by an Assessment Board or the Research Degrees Committee

2.1 Any Student wishing to appeal for reconsideration of the decision of an Assessment Board or the Research Degrees Committee shall give notice of the appeal in writing, using the standard University appeal form. The appeal form is available from Faculty Advice Centres; Student and Academic Services; the Doctoral College or can be found on the following webpage: Academic appeals (dmu.ac.uk). It must be signed by the Student and submitted to the Student Appeals and Conduct Officer (or nominee) via post, in person or by email to acasupportoffice@dmu.ac.uk. The form must indicate the grounds on which the Student is appealing, as listed in 1.3 above, and be accompanied by any available documentary evidence.

2.2 The appeal form, together with all the necessary documentation, should reach the Student Appeals and Conduct Officer and Deputy within 15 University working days of the published date for issuing results from the Assessment Board/ Programme Award Board concerned or the date of notification of a Research Degrees Committee decision.

2.3 The Student Appeals and Conduct Officer (or nominee) are empowered to dismiss an appeal at this stage if it should appear in their absolute opinion that the grounds of appeal are so lacking in substance that further consideration would not be justified.

2.4 If necessary, the Student Appeals and Conduct Officer (or nominee) shall seek an initial response to the appeal from the Student's Faculty/ the Doctoral College, which could include, but is not limited to, asking for evidence that Marking, Moderation and External verification procedures

have been followed. The Student Appeals and Conduct Officer (or nominee's) decision to dismiss in accordance with paragraph 2.3 above shall be final and not subject to review by any other University forum.

2.5 A Student whose appeal has been dismissed by the Student Appeals and Conduct Officer (or nominee) at this stage may not seek reconsideration of this decision through the University's Student Complaints Procedure.

2.6 Where it appears to the Student Appeals and Conduct Officer (or nominee) that the academic appeal should be upheld or partially upheld, an offer of resolution shall be made that puts the Student back to the position they would have been in before the error occurred. This will be considered in discussion with the Faculty/ Doctoral College.

2.7 It is noted that an upheld appeal does not guarantee that a Student's mark will change, or that the outcome of an Assessment Board will change. It is not University policy to adjust results where an appeal is upheld, but to give Students a chance to perform to the best of their academic abilities.

2.8 If a Student is not happy with the resolution of the upheld academic appeal offered to them by the Student Appeals and Conduct Officer (or nominee), they may request their case to be heard at an **Academic Appeals Panel**. This request must be received by the Academic Support Office, in writing via email to acasupportoffice@dmu.ac.uk within 10 University working days of the date of the outcome letter. Failure to do so will result in the Student Appeals and Conduct Officer (or nominee's) decision standing.

2.9 The Academic Appeals Panel shall comprise:

- Chair: The Vice-Chancellor, the Deputy Vice-Chancellor, a Pro Vice-Chancellor, a Pro Vice Chancellor/Dean, Associate PVC Research, or a Deputy Dean holding a doctorate degree (in the case of a research Student).
- A member of the Students' Union Executive Committee.
- In the case of Students on taught courses, a member of the Academic Board or Associate Dean (Academic) or Associate Professor (Quality) or nominee.
- In the case of a research Student, a member of the Research Degrees Committee.
- The Executive Director of Student and Academic Services or nominee.

2.10 No panel members shall have been connected with the case.

2.11 The Academic Appeals Panel is empowered to examine appeals made to it under the grounds cited in sections 1.3.

2.12 The Student will be given notice of the hearing and the members of the Academic Appeals Panel in writing or via email. Due notice will be deemed to have been given if the notice and supporting information was sent by first class post and/or securely using an encrypted and password protected document to the Students University email and any personal email addresses provided by the Student, no less than 10 University working days[1] before the date of the hearing. If the Student does not attend the hearing, the hearing will go ahead in their absence.

2.13 The Student is entitled to be accompanied by a Student Companion whose role is set out in the Glossary to these Regulations.

2.14 The procedure adopted by the Academic Appeals Panel shall be as follows:

2.14.1 The Panel will be sent all necessary and appropriate documentation 5 University working days prior to the hearing date.

2.14.2 First the Student then Department representative may state their case, without any questioning by each other or the Panel.

2.14.3 Once both have stated their case, Panel members may ask questions of the Student and the Academic representative and the Student and Department representative may ask questions, provided that questions are for clarification rather than cross-examination. All questions should be addressed through the Panel Chair.

2.14.4 The Panel will retire to consider its decision in private. Once a decision has been reached the Student (and the Student Companion if present) and the Academic representative(s) return to the meeting room. The Panel Chair will read the decision of the Panel. The decision will be confirmed formally in writing thereafter.

2.14.5 The Chair has general discretion to adjourn proceedings if necessary, for instance to seek expert advice where it is thought that the appeal is straying into technical areas of knowledge, and after such advice is received is entitled to reconvene the

[1] Please note all timelines referred to within this chapter are subject to change as a result of University closure days, such as bank holidays and Christmas holidays

meeting. The Panel will share any further information, evidence or advice it has obtained with the Student and the Academic representative. The Panel will give both the appellant and the Faculty an opportunity to question any further information, evidence or advice for the clarification of matters of fact.

2.15 The Academic Appeals Panel is empowered to reach one of the following decisions:

2.15.1 That there are no grounds for the appeal and the original decision of the Assessment Board or Research Degrees Committee should stand.

2.15.2 That the appeal is upheld and the decision giving rise to the appeal is set aside. The Academic Appeals Panel requires any assessed work concerned to be newly examined, either by the original examiners or by new examiners as determined by the Academic Appeals Panel. The Academic Appeals Panel shall also determine the conditions of this examination, consulting the Assessment Board or Research Degrees Committee if necessary.

2.15.3 The appeal is upheld and the decision giving rise to the appeal is set aside. The Academic Appeals Panel grants the Student the opportunity to submit work for assessment as if for the first time, in the assessment concerned. The Academic Appeals Panel shall stipulate the timeframe for any resubmission for this replacement assessment, consulting the assessment board or Research Degrees Committee as necessary.

2.15.4 The Academic Appeals Panel is also empowered to make recommendations to an Assessment Board and/or Research Degrees Committee regarding the conduct of business.

2.16 The decision of the Academic Appeals Panel is final and not subject to review by any other University body.

3 Records of academic appeals

3.1 The Student Appeals and Conduct Officer or nominee shall keep appeal files for a minimum of two years (from the point of programme completion), together with any mediator notes, allowing Chairs of Panels to consult them as an archive resource if so required.

4 Behaviour

4.1 If at any time during the appeals process the Students behaviour is considered vexatious or malicious, the University may decline to continue consideration of the appeal and / or make a referral under the Student Disciplinary Procedure.

Chapter 9

Student Complaints Procedure

De Montfort University's Students Complaints Procedure (SCP) has been developed to reflect the framework of the Office of the Independent Adjudicator (OIA), the Higher Education Ombudsman. It is based on "The Good Practice Framework: handling student complaints and academic appeals"[1] and complements the advice and guidance on concerns, complaints and appeals published by the UK Quality Code for Higher Education.[2]

The University recognises the importance of effective complaints management as both a tool and a source of information for service improvement. The University recognises the right of current Students and Alumni to raise issues of concern about the services provided by the University.

If you want to understand how we process your personal data, and our legal basis for doing so, please refer to our Privacy Notice.

The Student Complaints Procedure should be read in conjunction with the other University's statements and policies which might apply to the concern the Student wishes to raise; which include but not limited to Academic Appeals, the Dignity & Respect Policy, General Regulations Affecting Students, Student Code of Conduct, Student Disability Policy, No Space For Hate Policy, Sexual Misconduct Policy, Research Misconduct and Whistleblowing. Links to these and other related information can be found on the Academic Support webpages.

1 Who can use the Student Complaints Procedure

1.1 The Student Complaints Procedure (SCP) can be used by all Students of the University. Students on courses leading to awards of De Montfort University but who are based at the campus of a partner organisation, must first exhaust the student complaint procedure for that organisation. (Students who are temporarily suspended for disciplinary reasons or for the non-payment of fees, do not have access to the SCP)

1.2 All complaints must be raised within three months of the matter becoming apparent.

1.3 Alumni can use the SCP to raise complaints once they have graduated but the matter being raised must have occurred within three months of the complaint being submitted.

[1]The good practice framework: handling student complaints and academic appeals – Office of the Independent Adjudicator Revised December 2016 2 UK
[2] UK Quality Code for Higher Education, Advice and Guidance, Concerns, Complaints and Appeals – Quality Assurance Agency November 2018

2 What can be dealt with under the Student Complaints Procedure

2.1 A complaint is defined as an expression of dissatisfaction by one or more Students, about the lack of action of the University, its Staff or representatives, or about the standard of service provided by or on behalf of the University. A complaint may relate, but is not limited, to:

- the quality and standard of service provided by the University, including teaching and learning provision;
- failure to provide a service as advertised or reasonably expected;
- unsuitable facilities or learning resources;
- failure of the University to follow an appropriate administrative or academic process

2.2 The SCP can be used by Students or Alumni (identified as Students from this point onwards for the purpose of this chapter) to raise any complaints or expressions of dissatisfaction as outlined in 2.1 above.

3 What will not be dealt with under the SCP

3.1 Academic appeals or other matters that relate to Assessment Board decisions. Appeals against Assessment Board decisions are managed by the Academic Support Office and are dealt with under a separate appeals procedure contained within the General Regulations and Procedures Affecting Students. Any complaint made under the SCP which appears to be an academic appeal will be referred to the Academic Support Office for consideration. If you require further information about the procedure for academic appeals, please contact acasupportoffice@dmu.ac.uk and the team will assist you.

3.2 A challenge to an admissions decision. This should be raised under the University Admissions Policy.

3.3 Complaints about matters which have already or are under consideration by the Office of the Independent Adjudicator for Higher Education ("OIA"), a court or tribunal.

3.4 Complaints relating to behaviour by Staff and Students.

3.4.1 In matters of Student behaviour, allegations that Students are in breach of the University's Dignity & Respect Policy will be dealt with by the University Security Investigation team. Reports about Student behaviour may be made by contacting the University's Security Team - security@dmu.ac.uk.

3.4.2 In matters of Staff behaviour, concerns around a staff member's behaviour should be raised promptly with an appropriate staff member within the Faculty/Directorate, i.e. a Personal Tutor to support, where possible an appropriate, an informal resolution. Where this not appropriate and/or a student remains dissatisfied with the informal resolution, they may raise formal complaint by contacting the University's Security Team – security@dmu.ac.uk or via the Academic Support Office. The complaint will be shared with HR and the relevant Senior Manager (typically the Deputy Dean) in the Faculty and/or Directorate with responsibility for responding to the complaint. The relevant Senior Manager will review and undertake any necessary investigations, with support from the University's HR department, before providing a written outcome to the complaint.

(Students should be aware that there is a separate Dignity at Work Policy.pdf (sharepoint.com) in place for staff. The professional expectations outlined within this policy do mirror those outlined in the student Dignity and Respect policy.)

3.4 Further support for Students who are survivors or witnesses to misconduct by either Staff or Students is offered through Healthy DMU.

3.5 Complaints about the Students' Union.

Complaints relating to the Students' Union services, facilities, societies and staff are not eligible for consideration through the Student Complaints Procedure. Further details of the Students' Union Complaint Procedure can be found on the DSU website.

4 Focus on Early Resolution

4.1 The University is committed to providing a high-quality service to our Students throughout their courses of study to graduation and beyond as part of the DMU global community. The University actively encourages feedback on all aspects of the teaching and learning experience and other services provided by the University. However, there may be occasions when the level of service received falls short of that which might reasonably be expected.

4.2 The aims of the Student Complaints Procedure are:

- to resolve complaints in a timely, effective and fair manner;
- to resolve complaints in the area in which they arise;
- to improve service delivery and the Student experience

4.3 Options for early resolution, such as mediation (facilitated discussion) see section 8, should be considered wherever possible. A fair and thorough investigation of formal complaints will be undertaken when necessary.

4.4 The University is committed to providing an inclusive environment. No person (Student, Staff or visitor) shall be unlawfully discriminated against, either directly or indirectly, on the grounds of their race, colour, ethnic or natural origin or nationality, gender, marital status, age, disability, sexual orientation, religious or political beliefs, disability, economic situation or offending background. No person shall be discriminated against or adversely affected for making a complaint.

5 What Can Students Expect of the Process

5.1 The purpose of the SCP is to provide Students and Alumni with a clear, consistent and transparent method of raising concerns and complaints, to resolve conflict and to bring about change when appropriate.

5.2 The University will ensure that Students are not disadvantaged either academically or personally if they choose to raise a complaint. The University understands the importance of trust and confidence all parties must have in this process. Any Student raising a complaint may continue their studies whilst the complaints procedure is conducted.

5.3 At each stage of the procedure the University will endeavour to find a solution to the issues raised that are mutually acceptable for all parties concerned. This will not always be possible and Students may not agree with the resolution that is offered.

5.4 The University offers Students a three-stage procedure for raising complaints and there must be clear grounds for escalation at each stage.

5.5 At each stage the Student will be given an outcome of their complaint. A mutually appropriate resolution may be found, the complaint may be upheld and reparation made, or the complaint will be dismissed. At each stage the Student will be given information on how to escalate their complaint and the grounds on which they can do so.

6 What the University asks of Students

6.1 The University expects Students to engage directly with the University when raising complaints. Complaints made by third parties on behalf of a Student will not usually be accepted unless there are valid reasons why a Student is not able to engage themselves, see paragraph 14 of this chapter.

6.2 The University actively encourages Students to raise any low-level concerns initially by talking to a member of the University community, see paragraph 9.1 of this chapter.

6.3 When submitting a complaint, Students are asked to clearly state the issue of their concern and what outcome is being sought as reparation. Students must also supply any supporting evidence that will assist the University in its investigation into matters arising. It is important that Students submit the concerns as clearly and accurately as possible to assist an early outcome. Students are encouraged to seek the support of the DSU Advice team [dsuadvice@dmu.ac.uk] before submitting a complaint.

7 The Three Stages of the SCP

7.1 The SCP is intended to provide a streamlined process with a focus on local resolution. Students are expected to complete a stage in the process before escalating to the next, if they have grounds. The SCP has three stages:

7.2 Early Resolution is the stage where most concerns should be resolved swiftly and effectively, at the point at which a complaint is made, or as close to that point as possible. Early Resolution can be used for difficult interpersonal matters where early resolution strategies such as mediation may be beneficial see paragraph 4 of this chapter.

7.3 Formal Complaint investigated by the Office of the Student Appeals and Conduct Officer is appropriate where a Student wishes to escalate their complaint formally under the grounds outlined in paragraph 6.6 of this chapter.

7.4 Review by the Chair of the University Complaints Committee (UCC) which may be referred to a full panel hearing of the UCC. This is the Student's right to appeal the outcome of the Formal Complaint. A Review is an analysis of the Formal Complaint decision, not a rehearing of the original complaint. The UCC can review the procedure under the grounds outlined in paragraph 12.1 of this chapter. The Review stage is the final stage of the University's internal procedure.

7.5 While there are three clear stages in the procedure, the people involved in the complaint may resolve matters informally at any point in any Stage, with active engagement by the Student and relevant others (DSU, faculty or directorate) prior to the final complaint outcome for that Stage being communicated to the Student.

Grounds for Escalation

7.6 Students may escalate their complaint from Early Resolution to Formal Review if they are dissatisfied with the decision made on the grounds stated below:

- The complaint procedure was not followed correctly.
- New information that was not available earlier in the process, can now be provided by the student.
- The outcome is wholly inappropriate based on the evidence provided.

7.7 The University recognises that Students will not always be satisfied with the outcome of a complaint. The University will always investigate a complaint and will ensure that the procedures are followed correctly and impartially.

7.8 All parties involved in investigation and determination of an outcome of a complaint will be offered appropriate support by the University, through services established to enable the University to meet its duty of care towards staff and Students. For Students the support services include:

- De Montfort Students Union
- The DMU Wellbeing Team.
- The University Senior Tutor
- Student Advice Centre
- Personal Tutors
- The DMU Spiritual Support team
- No Space for Hate
- The Mandala Project

8 Mediation

8.1 Mediation can be undertaken at the Early Resolution and Formal Complaint stages of the SCP. This is a voluntary process where an impartial, independent third party helps to try and reach an agreement.

8.2 The parties to mediation follow a series of agreed steps. In mediation, the parties to the dispute, not the mediator, decide whether they can resolve the complaint and on what basis. Where all parties agree to mediation at the Formal Complaint stage of the SCP, revised timescales for the Formal Complaint will be agreed. If the resolution at the Formal Complaint stage is not acceptable to the Student on the grounds listed in paragraph 6.6 of this chapter, they can go to the Review stage.

9 Making a Complaint

9.1 The University actively encourages Students to raise any low level concerns initially by talking to a member of the University community. That could be their Programme team, Personal Tutor or another appropriate member of staff, or the Student Course Representative or they may seek independent advice from the Students' Union by email at dsuadvice@dmu.ac.uk. Low level concerns could be:

- Access to a workspace
- Confirmation of deadlines
- Options available in the canteen
- Securing letters for Council Tax purposes

9.2 Students are encouraged to try and resolve their concerns independently utilising the support services that the University can offer.

9.3 If concerns are not resolved satisfactorily or it is not appropriate to try and resolve the issue informally Students can submit an Early Resolution Form found on our Academic Support webpages.

9.4 Students will be expected to engage personally with the University when raising a complaint (see the University's Communications with Third Parties Policy), using their University email account.

9.5 The **burden of proof** shall always be on the Student; this means that the student must provide all the evidence they have to support the complaint they are making. The **standard of proof** will be the balance of probability, this means that a judgement will be made as to whether the event is more likely than not to have occurred.

10 Stage 1 - Early Resolution

10.1 The Early Resolution Form will be automatically emailed to the appropriate Early Resolution Officer (ERO) located in the University's academic schools and professional services departments. If the concern relates to multiple issues, the school ERO will refer the complaint to the appropriate area and will ensure all communication with the Student is collated by the school ERO.

10.2 Early Resolution is designed to address straightforward concerns informally, locally and expediently. The ERO may talk to the Student to determine more details about their case or may ask a relevant member staff to work with the Student directly.

10.3 Any response given to the Student must be supported by a written outcome which will be sent by the ERO. If mediation is required at the Early Resolution stage, the ERO will facilitate this with the Academic Support Office.

10.4 The aim is to come to a mutually agreeable outcome before the concern escalates into a Formal Complaint. Mediation can be requested by either the University or the Student at this stage. Examples of how the University may deal with Student concerns at Early Resolution could be:

- Being empathetic and understanding
- Apologising where it is appropriate to do so
- Actively listening to the Student voice
- Clarifying reasons why decisions have been made
- Suggesting solutions
- Referral to mediation

10.5 In exceptional circumstances, complaints may be dealt with at the Formal Complaint stage without going through Early Resolution. A panel of senior members of the University will decide on a case by case basis whether it is appropriate to start a complaint at the Formal Complaint stage. This panel will consist of a PVC Dean (or nominee), an Associate Professor (Student Experience) (or nominee), and the Executive Director of Student and Academic Services (or nominee). The decision of this panel is final.

10.6 The University is committed to trying to resolve concerns to a mutually beneficial outcome. The University acknowledges that sometimes the outcome for the Student may not always be the outcome anticipated but the University will endeavour to provide a rationale to its decision making. A Student may progress their complaint if they believe:

- The Early Resolution process has not been followed correctly,
- There is evidence now available that was not available previously.

10.7 Students can escalate the complaint to a Formal Complaint using the form found on our Academic Support webpages.

11 Stage 2 - Formal Complaint investigated by the Student Appeals and Conduct Officer (or their designated nominee)

11.1 Each complaint that is escalated by a Student to a Formal Complaint will be assessed on a case-by-case basis. The assessment will involve checking that the complaint has been submitted within the published timelines, using the right procedure, and in the correct format. This will result in one of the following outcomes:

- Referral to a different procedure (for example to the Academic Appeals process)
- Rejection of the complaint (for example due to lateness of submission or the grounds for escalation have not been met)
- Referral to Early Resolution (for example if this stage has not been attempted)
- Referral to mediation (for example where this will more likely result in swift and mutual agreement) and can be requested by the Student or the University
- Referral to formal investigation by the Student Appeals and Conduct Officer (or their designated nominee)

11.2 The Formal Complaint does not allow for additional complaints to be added that have not previously been raised at the Early Resolution Stage.

11.3 If the University decides that a complaint is out of time or otherwise ineligible (see paragraph 10.6) to be dealt with at the Formal Complaint stage of the SCP, the University will inform the Student in writing within one calendar month of its decision with a clear explanation of the reasons for the decision. The University will issue a Completion of Procedures letter and the matter will be deemed closed. The University will also give the Student information about the Office of the Independent Adjudicator.

11.4 If a complaint is deemed to be eligible for further investigation as a Formal Complaint , it will be allocated to a member of Staff who has had no previous involvement in the matter to investigate. The Staff member who has been allocated the complaint may contact the Student, either face to face or by telephone, MS Teams or other remote method, to confirm the purpose and scope of their investigation in order to manage expectations about possible outcomes.

11.5 The Staff member may talk to Staff and other Students and consider documents and other relevant evidence. The outcome of this investigation will be communicated to the Student normally no later than one calendar month from receiving the complaint in the form of a report which outlines the process followed, the information gathered, the conclusions drawn and any other recommendations.

11.6 There may be times when this timescale cannot be met, for example due to the complexity of the complaint, and the Staff member will inform the Student of the reason for the delay and the revised timescale. However, the University will make every effort to adhere to the stated timescale.

11.7 The University will write to the Student with the outcome of the Formal Complaint, explaining the reasons for the outcome and providing evidence used in the decision-making process.

11.8 If a Student is dissatisfied with the outcome of the Formal Complaint but does not have grounds on which to escalate their complaint to the Review Stage (see paragraph 12.1 below), the Student may request a review by the Office of the Independent Adjudicator (OIA). Should a Student wish to take their case to the OIA, they must request a Completion of Procedures letter within one calendar month from the date of the outcome letter.

12 Stage 3 – Review by the University Complaints Committee (UCC)

12.1 If a Student believes:

- the Formal Complaint process has not been followed correctly,
- there is evidence now available that was not available previously,

they can escalate the complaint for Review by the University Complaints Committee (UCC) using the form found on our Academic Support webpages.

12.2 The Review form must be received by the University within 10 University working days of the Student receiving the Formal Complaint outcome.

12.3 The Review Stage does not allow for additional complaints to be added for review that have not previously been raised at the Early Resolution Stage.

12.4 The University Complaints Committee is chaired by a member of the University Leadership Board. Committee members are:

- A senior member of Staff from another Faculty to the complainant.
- A member of the Student Union Executive (or nominee)

12.5 The Chair of the UCC may decline the request for a Review without bringing the matter to the full Complaints Committee if, in their reasonable opinion, it appears that the grounds of appeal are not made out or are so lacking in substance that further consideration would not be justified. The decision of the Chair is final and not subject to review by any other University body.

12.6 If the Chair of the UCC decides the complaint should be reviewed in full the Student will be offered one of the following options:

- the Review to be conducted on paper by the Chair of the UCC;
- the opportunity to present their case to the UCC in person

12.7 Should the Student opt for the appeal to be conducted on paper by the Chair of the UCC, the Student will receive formal written communication of the outcome and any recommendations made by the Chair. The decision of the Chair is final and not subject to review by any other University body.

12.8 Should the Student opt to present their case to the UCC in person, the University will ensure that the Student is given15 University working days notice of the date of the meeting, as well as advice on how to access support and who can accompany them to the committee hearing , as set out in the glossary of these regulations.

12.9 If the Student fails to attend the UCC hearing despite all reasonable attempts by the University to accommodate their attendance, the UCC will hear the appeal in the Student's absence and notify the Student of the outcome in writing.

12.10 If the complaint is dismissed by the UCC, the University will write to the Student confirming the outcome, the reasons why and the next stage that the Student can take. The University will also issue a Completion of Procedures letter within one calendar month of this outcome.

12.11 If the complaint is upheld by the UCC the University will write to the Student confirming the outcome, and how and when it will implement any remedy. The University will also issue a Completion of Procedures letter at this stage.

12.12 Should the Student remain unhappy with the process upon completion of this final stage of the University's complaints procedure, the Student is entitled to submit their complaint to the OIA for review, details of which can be found on the OIA website.

13 Protocols

13.1 In making decisions under the SCP the University takes into account guidance issued by relevant ombudsman services and other external bodies. It is recognised that any complaints procedure needs to be flexible as well as consistent, to respond to the many different issues which arise. That said, the following protocols have been developed.

14 Third party complaints

14.1 The University expects Students to engage directly with the University when raising complaints. Complaints made by third parties on behalf of a Student will not usually be accepted unless there are valid reasons why a Student is not able to engage themselves. The University will make reasonable adjustments to ensure Students with a disability have an equitable opportunity to engage with University processes. See the University's Communication with Third Parties Policy

15 Anonymous and confidential complaints

15.1 The Student Appeals and Conduct Officer (or their designated nominee) will not respond to anonymous complaints but issues raised in anonymous complaints may be investigated if in the University's discretion, it is felt that such investigations would be justified. The University may also use anonymous complaints to help inform its practice. The University does however recognise that Students may wish to raise concerns in confidence. In such cases the Student Appeals and Conduct Officer (or their designated nominee) will try to resolve the issue without disclosing the Student's identity. It must be borne in mind that:

15.2 It may be difficult to investigate complaints without revealing the identity of the Student.

15.3 It may be possible to make preliminary investigations without revealing the identity of the Student but if the allegations are serious or the case is complex, the Student may need to be identified if the case is to be pursued further. In such instances the Student Appeals and Conduct Officer (or their designated nominee) will discuss the situation with the Student before the case proceeds.

15.4 The person or department which is the subject of a complaint may recognise the Student because of the issues or allegations raised.

15.5 No Student will suffer reprisals, academic or otherwise, for making a complaint.

15.6 Students may also raise concerns internally about malpractice through the University's Whistleblowing Policy.

16 Group complaints

16.1 Should a group of Students have a complaint, the Students can submit a collective complaint and nominate one Student as their representative in resolving the complaint, provided that all Students provide their personal consent under the requirements of the Data Protection Act and confirm the accuracy of any evidence and information submitted to support their complaint. If a Student does not provide personal consent, they will not be included in the collective complaint resolution. When a complaint is submitted and investigated collectively, the group will receive a collective response.

16.2 In line with guidance from the OIA the University does not accept petitions or complaints posted on social media as complaints under the Student Complaint Procedure. All concerns must be submitted via the complaints process as outlined in these regulations. See the Student Social Media policy for guidelines on sharing views on social media.

16.3 When investigating certain types of complaints, it may be that investigation can only be progressed if the Student or Students, and not solely their representative, participate in an investigatory meeting.

16.4 Complaints submitted by a group will receive a group response. Outcomes for group complaints cannot be tailored for individual Students. If a Student seeks an individual outcome, an individual complaint must be submitted.

17 Frivolous, malicious or vexatious complaints

17.1 The University reserves the right to decline to investigate a complaint at the Early Resolution or Formal Complaint stage if it considers it to be frivolous, malicious or vexatious. In such instances the Student Appeals and Conduct Officer (or their designated nominee) will write to the Student explaining why they are terminating consideration of the matter. In such circumstances the Student Appeals and Conduct Officer (or their designated nominee)'s decision is final and not subject to review by any other University body.

17.2 Should the Student Appeals and Conduct Officer (or their designated nominee) determine that a complaint is frivolous, malicious or vexatious, the complaint will be closed and appropriate disciplinary action may be taken if the Student is found to have breached the Disciplinary Code set out in Chapter 2.

18 Timescales for making complaints

18.1 All stages of the process have a timeline and deadlines, but with the flexibility for the Student or the University to request an extension to those deadlines where there is good reason to do so, for example changes in workload for either party that could not have previously been foreseen.

18.2 Complaints should be raised at the Early Resolution stage within three months of the matter becoming apparent.

18.3 The University will endeavour to provide an outcome to the Early Resolution complaint within 15 University working days. Once an outcome has been provided at the Early Resolution stage, a Student or their representative, in the case of Students who exceptionally cannot present their case themselves, has 10 University working days to escalate their complaint to a Formal Complaint, together with supporting evidence, on the grounds as outlined in paragraph 7.6.

18.4 The University will endeavour to provide an outcome to the Formal complaint within 15 University working days. Following the communication of the written outcome from the Formal Complaint, the Student or their representative, in the case of Students who exceptionally cannot present their case themselves, has 10 University working days to escalate their complaint for a Review, stating the grounds for progressing to a Review.

18.5 International Students must make themselves aware of immigration implications should consideration of their complaint extend beyond their permission to stay. A Student would not typically be required to be present at the University for a complaint to be investigated, though participation in an investigatory online interview or other means may be necessary.

19 Independent External Review

19.1 Once the Review by the University Complaints Committee has been completed and an outcome issued to the Student, or it is determined there are no grounds for the complaint to be considered at Review, the University's procedure will be concluded, and therefore will issue a Completion of Procedures Letter.

19.2 The Student may then refer the complaint to the OIA should they remain dissatisfied. The OIA considers complaints from Students only at the conclusion of the University's internal complaints handling procedures and only if the complaint meets the OIA's eligibility requirements.

19.3 The complaint must be received by the OIA within twelve months of the Completion of Procedures Letter being issued by the University. It typically takes a number of months for the OIA to consider a complaint and issue an outcome. Further information about escalating a complaint to the OIA is available on the OIA website.

Appendix 1

*** The University will endeavour to adhere to the published timelines but there may be occasions that this is not possible. The University will inform Students of any delays in the process.**

Stage 1: Early Resolution

University Response Timeline	Considerations made	Outcome
Outcome sent to student within 15 University working days from the date of receipt. *	• What specifically is the complaint about and which area(s) of the University are involved? • What outcome is the Student hoping to achieve? • Is the complaint straightforward and likely to be resolved or responded to with minimal investigation or by using an existing University policy? • Can another member of Staff assist in seeking informal resolution if I am not in a position to do so? • What assistance or support can be provided to the Student in taking this forward? • Should the Student Appeals and Conduct Officer (or their nominee) be asked if mediation might be appropriate in this case?	Either: Complaint upheld/partially upheld and remedy offered Or Complaint dismissed with an explanation why The Student will be informed of the outcome in writing via email (including how to escalate to the Formal Complaint stage and on what permissible grounds)

Student Response timeline – 10 University working days from receipt of outcome in writing; after this time the complaint will be closed by the University

Stage 2: Formal Complaint and Investigation by the Office of the Student Appeals and Conduct Officer

University Response Timeline	Considerations made	Outcome
Outcome sent to student within 15 University working days from the date of receipt. *	• What are the specific, key elements to the complaint? • Why was Local Resolution at Stage 1 unsuccessful? Was any potential resolution offered? • What does the Student seek to achieve by escalating the complaint to Stage 2? • Do the Student's expectations appear to be reasonable and achievable? • Should the Office of the Student Appeals and Conduct Officer be asked if mediation might be appropriate in this case?	Either: Complaint upheld/partially upheld and remedy offered Or Complaint dismissed with an explanation why The Student will be informed of the outcome in writing via email (including how to escalate to the Review stage and on what permissible grounds)

Student Response timeline – 10 University working days from receipt of outcome in writing; after this time the complaint will be closed by the University

Stage 3: Review by the University Complaints Committee

University Response Timeline	Consideration made	Outcome
Outcome sent to student within 15 University working days from the date of receipt. *	• Was there evidence of procedural irregularity at stage 2? • What new evidence is available that was not available at stage 2? • Would mediation be appropriate?	Explanation and evidence to the Student made in writing via email (including right to proceed to the Office of the Independent Adjudicator) Upheld/partially upheld and remedy made or Dismissed

Student has 12 months from the date of the Completion of Procedures letter to lodge a complaint with the Office of the Independent Adjudicator as detailed on the OIA website

Chapter 10 Health and Safety Policy

General statement of Safety Policy

1.1 It is the policy of the University to provide and maintain a healthy and safe environment for employees, Students, contractors, visitors and members of the public. The main campus can be accessed by the general public, and as such the campus environment is kept to a high standard.

1.2 The Health and Safety Management System (Standards, Policies and Appendices) will be subject to continual review and development. The ultimate responsibility for health and safety rests with the Vice-Chancellor on behalf of the Board of Governors and accords health and safety matters equal priority to other management or educational functions within the University.

1.3 The Vice-Chancellor further expects University Managers and Supervisors to accord the same level of priority to health and safety matters and requires all University Staff and Students to ensure that this policy is observed.

1.4 The University Health and Safety Policy Statement is the overarching commitment statement that sits above all other health and safety policies. The Vice Chancellor reviews and signs the Health and Safety Policy Statement.

1.5 A number of Health and Safety policies are located on the employee intranet site. Access to these can be made through a Student's tutor.

1.6 Policy and risk assessment documents are also found on the SharePoint safety management site along with the Statement of Safety Organisation (SOSO). Again, access to these documents can be made through a Student's tutor.

2 Students' duty

2.1 It is the duty of all Students:

2.1.1 To take reasonable care for the health and safety of themselves and of other persons who may be affected by their acts or omissions.

2.1.2 To co-operate with the University to enable compliance with health and safety requirements and the Health and Safety Policy.

2.1.3 Not to interfere with, or misuse anything provided in the interests of health, safety or welfare.

2.1.4 To report any faults or defects relating to health, safety and wellbeing matters to their tutors who will talk to the local health and safety coordinators. Staff will then assist with filling in an accident and incident report form (AIR) if required.

3 Children on campus

3.1 The University has a separate policy regarding children on campus.

3.2 The health, safety and wellbeing team can be contacted at this email address: healthandsafety@dmu.ac.uk and offices are located in Bede House, Floor 1.

Chapter 11 Access to University premises

1 Scope of procedure and normal opening hours

1.1 Only those Students formally registered with the University are permitted access to University premises under the requirements of this provision. Students should carry their personal De Montfort University identity card with them at all times whilst on University premises and must show their card to University officers or employees on request.

1.2 Students suspended or excluded from all or parts of the University premises following disciplinary procedures or for non-payment of fees may be allowed limited access for specific purposes connected with their exclusion (for example, to attend an appeal hearing, pay outstanding fees or consult their DSU representative). Students wishing to attend the University for any other purposes during a suspension must first request access and comply with the direction of the Head of Security or nominated Deputy.

1.3 In general, University academic and administrative buildings are open on weekdays (except bank holidays and public holidays) from 0730 hours to 2130 hours during teaching weeks and from 0730 hours to 1900 hours during University vacations. When buildings are closed the **Access Out of Hours** procedure explained in paragraph 2 below applies.

1.4 University owned and Leased halls of residence are open 24/7. For Students residing in or visiting DMU owned or leased Halls of Residence (Bede Halls, New Wharf Halls or Waterway Gardens), occupation is subject to the applicable terms of this General Regulations and Procedures Affecting Students document plus the Accommodation Terms and Conditions Agreement, the Essential Guide to Living in Halls and any other rules or regulations enforced by the University relating to their occupation of halls of residence. For Students residing in or visiting private halls of residence nominated by the University or any other private halls of residence, occupation is subject to the applicable terms of this General Regulations and Procedures Affecting Students document, plus the terms of their tenancy/agreement with the private hall’s provider, and any other rules or regulations enforced by the private hall’s provider relating to their occupation of the halls of residence.

2 Access out of hours procedure

2.1 Students are not normally permitted to access University administrative buildings outside normal opening hours. (See 1.3 above)

2.2 Students requiring to be in University academic buildings (excluding libraries: see paragraph 3 below) outside normal opening hours, including weekends, bank holidays and public holidays, will need to ask the relevant academic supervisor to complete a Request for Out of Core Hours Access to Buildings form available online: Security (sharepoint.com)

2.3 The form must be approved electronically by the designated contact who has overall responsibility for the Health and Safety of all persons using the building wishing to be accessed.

2.4 The completed and authorised, Request for Out of Core Hours Access to Buildings form B must be lodged with the Campus Security Office at least 48 hours after approval has been made, before access is required.

2.5 Approval for out of hours access granted under this provision expires at the end of each calendar year. Students must apply for renewal of authorisation at the beginning of each subsequent calendar year. The Student is responsible for their behaviour, security and Health and Safety whilst utilising this out of hours option.

2.6 Security Team Staff may withdraw a Student's authority allowing admission to any University building out of hours if that Student's safety, behaviour or conduct breaches University, Policies, Health and Safety or these General Regulations including codes of practice for the use of University equipment, services, property and/or facilities. The University may take further disciplinary action in such cases if appropriate.

2.7 Once approval has been given under this provision, a Student must report to the Campus Security Office on each occasion on which they wish to gain access to University buildings out of hours. Student card identification must be produced to allow access

2.8 A Security Officer may accompany the Student to facilitate access to the building. The Student must follow any additional instructions the Security Officer may give them about behaviour in the building or leaving the building. Access may be refused at any time for operational reasons e.g. loss of utilities.

2.9 Students must comply with the conditions of access and the lone working arrangement and activity risk assessment, completed by their academic.

3 Access to University libraries and associated learning spaces

3.1 Students who wish to use the University libraries and their associated learning spaces (hereafter referred to as "the Library") may gain access only within the times and period that these are open for business, as published on the Library entrances and the Library website: https://library.dmu.ac.uk/DMU, and on production of a valid University identity card. Library opening times will vary during holidays and outside core teaching weeks.

3.2 Temporary access to the library may be refused by University Staff at any time the Library is open. This is for safety reasons, however the Director of Library and Learning Services (LLS), or nominee, has the right on a more permanent basis to refuse admission to the Library.

3.3 Where a Student or other library user has been identified as displaying or using inappropriate words or behaviour that affects the other users of the Library, or puts their safety at risk, they may be asked to leave. The Director of LLS or nominee may upon the receipt of a complaint, restrict the individuals access to the Library, to timeframes that focus that person towards managing their learning experience in a more focussed and beneficial way. For example, restricting 24-hour access to 16,12 or 10 hours access per day. Additionally, a ban on attending the library may be put in place for a limited time.

3.4 Such restrictions may be placed for a period of no longer than a month and then each individual case reviewed. For repeat offender's consideration will be given to referring the individual into the University disciplinary process at panel level.

Annex 1 Policy and guidelines for using Library and Learning Services

The University expects all Students to demonstrate high standards of behaviour when visiting The Library. It is the responsibility of all Students to ensure that they are fully aware of and are not in breach of these regulations

1 The Directorate of Library and Learning Services ("the Library") provides Students with resources, services and facilities in support of learning, teaching and research. These regulations are designed to ensure that such provision is made as effectively and fairly as possible and that the integrity of the service is maintained.

1.1 The policy and guidelines apply to Students registered at DMU.

1.2 Students who have been granted access to the libraries of other institutions by virtue of their De Montfort University status must abide by the visited Library's regulations. Any breach of these, or any other form of misconduct, will also be regarded as a breach of De Montfort University Regulations and this policy and guidelines.

2 Access and membership

2.1 All current DMU Students are entitled to make use of the Library and borrow those materials which are available for loan, provided that they are not already in breach of the University Regulations and this policy and guidelines.

2.2 To access the Kimberlin Library one of the following forms of identification are required:

2.2.1. Student University ID card

2.2.2. Proof of a lost or stolen card and alternative ID may also be accepted at the discretion of the Supervisor

2.3 Admittance to all other Library and learning spaces (Eric Wood Learning Zone, the Greenhouse and the Law Library) requires, at all times, a valid DMU Student ID card.

2.4 In line with University policy, children under the age of 16 may accompany a DMU Student for a brief visit to the Library of up to 60 minutes (e.g. to collect or return materials and at the discretion of Library Staff during Staffed service hours). Children permitted entry must pose no risk or disturbance to other service users and remain under the direct supervision and control of their guardian who is responsible for their

safety and wellbeing at all times. Where a child will be present for longer than 60 minutes, the staff member accompanying the child must obtain "express written permission" from the Director of Library and Learning Services or their nominee before the child enters University property. The Director of Library and Learning Services or nominee reserves the right to withdraw permission and request removal of any child within Library spaces.

2.5 The Director of Library and Learning Services or their nominee has the right to refuse admission to the Library or any other Library and learning space.

2.6 Details of Library opening hours are published on the Library website: https://dmu-ac-uk.libcal.com/hours/ and may be subject to change.

3 Borrowing rights and facilities

3.1 The majority of items in the Library are available for loan and can be borrowed by eligible members as defined above. Restrictions on borrowing apply to registered non-DMU Library members, details of which are available on the Library website: https://library.dmu.ac.uk/visitorinfo. Library materials, including DVD's and laptops, must be recorded as on loan before being taken through the exit gates.

3.2 Users must ensure that they do not remove items from the Library without authorisation or cause the security alarm to be activated by being in possession of unissued Library property. Library Staff may check books and other materials in the possession of anyone leaving the Library and users may be required to open bags, folders or empty pockets for inspection of their contents. Users who remove or who attempt to remove Library property without authorisation, or who refuse to submit to reasonable checks by Library Staff, may have their borrowing rights suspended.

3.3 Users are responsible for all loans issued against their Library cards until those items have been returned and discharged.

3.4 Reservations may be made for items on loan and all material is subject to recall after a minimum of one week, which may require an item to be returned earlier than its original due date. Courtesy messages will be sent via email. Such items must be returned within the time specified in the recall notice, including if taken out of the country. Items not returned within 14 calendar days of a reminder to return will be assumed lost and a replacement cost charged.

3.5 Fines will be charged for failing to return by the due date and time any items which cannot be auto-renewed. Details of current fine rates are available on the Library website: Home - Borrow, Renew, Return - LibGuides at De Montfort University (dmu.ac.uk)

3.6 Borrowing rights will be suspended for any Library users with items on loan beyond the due date and time or with outstanding Library charges in excess of £15.

3.7 Users will be liable for any charges incurred by the Library for the loss or late return of items supplied by third parties, such inter library loans or items borrowed under reciprocal access arrangements.

3.8 The Director of Library and Learning Services or nominee has the right to refuse to lend material, to restrict the loan period for items in heavy demand or to make special arrangements for borrowing.

4 Using online resources in the Library

4.1 Online resources (e-books, e-journals, databases) subscribed to by the Library can only be accessed by DMU Staff and Students. Separate registration may be required to access some online resources.

5 Conduct

5.1 All Students using the Library, are bound by the Disciplinary Code as defined in Chapter 2 of these regulations. The Disciplinary Procedure may be invoked for any breach of the Library Regulations.

5.2 The Library is a learning and study environment. Users are asked to choose a study area (group, quiet study, silent study) appropriate to the type of study being undertaken and to observe study signs. Mobile phones should be set to silent. Headphones should be used when listening to music, videos and other audible content and set to a volume that does not disturb others.

5.3 Hot food and alcohol are not permitted in any Library and learning space (Kimberlin Library, Greenhouse, Eric Wood, Law Library). Users should take care not to disturb others when eating or drinking, particularly in terms of noise, smell and mess. Bottled water only is permitted in the Law Library.

5.4 The following health, safety and wellbeing behaviours must be observed:

- On hearing the fire alarm, all users must vacate the Library immediately via the nearest emergency exit route.
- Users should not leave personal belongings unattended. This is done at the owner's risk; the Library does not take any responsibility for lost, damaged or stolen items. Unattended items may be examined and removed by Library Staff.

- Users are advised to take regular breaks from study and to keep hydrated.
- Users should not sleep in the Library and anyone found doing so will be woken. Persistent inappropriate use of the library will be dealt with under Chapter 2 of these Regulations.
- Users should put litter and waste liquid in the appropriate bins provided and leave study areas clean and tidy.
- Smoking and vaping is prohibited in all areas of the library.

5.5 Students are not normally permitted to film or take photographs in the Library.

5.6 Users should not display posters and adverts without permission from Library Staff and will be removed if permission has not been sought.

6 Penalties

6.1 Breaches of University regulations and Library will be dealt with by the Authorised Officer or nominee are dealt with in accordance with Chapter 2 Student discipline in the General Regulations and Procedures Affecting Students.

6.2 Whilst investigating a current breach of Library regulations, any past breaches may be referred to.

6.3 Appeals against penalties imposed for breaches of Library regulations will be dealt with in as follows:

6.3.1. Students have the right of appeal against the decision of the Authorised Officer, to the Disciplinary Appeals Committee in accordance with Part G of Chapter 2 of the General Regulations and Procedures Affecting Students.

6.3.2. Appeals against fines for late return of items or replacement item charges should be made to the Head of Library Services or their nominee via email: libadmin@dmu.ac.uk.

Chapter 12 Disruption of service

1. The University will take reasonable steps to provide the teaching, examination, assessment and other educational services set out in its prospectuses and as laid down in approved documents relating to programmes offered at the institution. The University does not however guarantee provision of such services. Should circumstances beyond the control of the University interfere with its ability to provide educational services, the University will take reasonable steps to minimise the resultant disruption to its operation.

2. Such circumstances may include:

- Acts of vandalism and/or terrorism (including cyber-attacks)
- Severe weather conditions
- Industrial action by staff and/or students
- Health and safety requirements (such as communicable diseases)
- Network availability and/or system outages

These are examples of circumstances beyond the control of the University but they do not represent an exhaustive definition of such circumstances.

Chapter 13 Intellectual property rights

1 Policy on IPR (non-research students) (the "Policy")

1.1 The Policy applies to all Students registered on programmes other than our postgraduate research programmes. The latest full version of the policy is available in full on here: 15-08-18-Student IP Policy UG PGT-v2 (dmu.ac.uk)

1.2 For Students, the general position under the Policy is the Student will own any IPR the Student creates except in the following circumstances:

1.2.1 if the Student did work (as part of their programme of study or in response to a task or project set by the University) before the Policy came into effect and:

1.2.1.1 the University had already used the IPR in relation to such work on one of the University's pieces of research, development projects or other projects; or

1.2.1.2 the University had already licenced or assigned the IPR in relation to such work to a third party; or

1.2.1.3 the University had already used the IPR in relation to such work in its educational, teaching or research material; or

1.2.1.4 the University had already commercially exploited the IPR in relation to such work; or

1.2.2 if the Student did work before the Policy came into effect and the work was done in the circumstances described in sections 1.3.3 to 1.3.11 (inclusive); or

1.2.3 if the Student does work that relates to one of the University's pieces or research, development projects or other projects (whether new or ongoing); or

1.2.4 if the Student does work the purpose of which is to research or develop: (i) IPR already owned by the University or licensed to the University; or (ii) IPR to be owned by the University or licensed to the University; or

1.2.5 if the Student does work in relation to tasks or activities that are set by the University's Staff for a purpose that does not directly concern the Student's programme of study; or

1.2.6 if the Student does work that relates to a research agreement, collaboration agreement or any other agreement between the

University and a third party that requires IPR to be owned by the University or a third party or requires a licence to be granted to a third party; or

1.2.7 if the Student does work that is funded (in part or in whole) by Research Councils UK; or

1.2.8 if the Student does a work-based placement which *the University arranges*; or

1.2.9 if the Student does a work-based placement with the University; or

1.2.10 if the University and the Student both agree that the IPR the Student will create, or has created, will be owned by the University; or

1.2.11 if the Student creates IPR jointly with a member of the University's Staff in the circumstances set out in sections 1.3.1 to 1.3.9 (inclusive).

2 Ownership of Student IPR (research Students)

2.1 For Students enrolled on postgraduate research programmes , the general position is as set out in section 8.12 of the Research Degree Regulations, that is:

"The copyright and other intellectual property rights in relation to thesis and other work prepared and submitted by Students in the course of their studies shall belong to the University, except where specifically agreed otherwise by the University in writing. However, nothing in the Regulations shall be considered to be a waiver of the moral rights of the Students."

3 Licences to the University of Student IPR (non-research Students)

3.1 Students registered on programmes other than postgraduate research programmes, grant to the University a licence to use, copy, store, reproduce and distribute the Student's work and IPR for: (a) the purposes of supervising, assessing, marking and moderating the Student's work; and (b) for the University's administrative purposes, including assessing and maintaining academic quality, plagiarism assessment and meeting the University's legal obligations.

3.2 The Student also grants to the University a licence to: (a) store and copy the Student's examination script for archival purposes; and (b) deposit any dissertations and theses the Student writes in the University's

repository and copy, publish and distribute them at the University's discretion (by way of example, through the British Library Electronic Theses On-line System).

4 Recording material delivered as part of a course or programme of research

4.1 A Student who through disability or illness is unable to take notes or uses other types of learning support as recommended in an assessment of needs is permitted to record delivered material such as lectures, tutorials and seminars by prior arrangement with the member of Staff delivering the material, provided the recording is for personal use and reference only.

Chapter 14 Insurance

1 Personal accident

1.1 De Montfort University (DMU) Personal Accident Insurance Policy provides personal accident insurance cover for DMU Students, that suffer an injury whilst engaged in sporting activities that are organised by and approved under the control of DMU.

1.2 De Montfort University has Public Liability Insurance which covers the legal liability for loss, damage or injury to a third party. The Student will be protected whilst on a placement if a claim is made against DMU if there was a legal liability issue found to be relevant to DMU.

1.3 Firms and organisations that Students visit or with which they are placed as part of their course should have both Public and Employers' liability insurance in place to cover their liability for negligence in the event of a Student being injured.

2 Personal property

2.1. The University does not accept liability for loss and/or damage to personal property, including bicycles and motor vehicles. Students are strongly advised to make their own arrangements for insuring their personal property.

3 Vehicles

3.1. The University does not accept liability for third party claims arising out of the use by Students of their own vehicles for programme visits and travel between campuses. Students using their own vehicles for such purposes must therefore inform their individual insurers to arrange for their policies to be adjusted to reflect vehicle use outside the standard "social and domestic" cover.

Chapter 15 Code of practice on freedom of speech within De Montfort University

This Code is issued by the Board of Governors of the University pursuant to section 43 of the Education Act (No 2) 1986 and applies to Students of the University

Students must abide by the university policy here: https://demontfortuniversity.sharepoint.com/sites/DMUHome/org/POD/HR/Documents/Freedom%20of%20Expression%20and%20Academic%20Freedom.pdf and any breach of this will be dealt with by the disciplinary procedure in Chapter 2, University General Regulations.

1 Introduction

1.1 The Education Act (No 2) 1986 requires the University to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for its employees, Students and visiting speakers. This also includes the duty to ensure, as is reasonably practicable, that the use of any of the University's premises is not unlawfully denied to any individual or body of persons on the grounds of their beliefs, views, policies or objectives. The University is also required to produce this Code setting out the procedures to be followed by Students and Staff in connection with the organisation of meetings and activities which fall within any class specified within this Code, together with the conduct required of Staff and Students in connection with such meetings and activities.

1.2 The University endorses and adopts the principle of freedom of speech and expression within the law as one of the cardinal principles upon which all institutions of learning should be founded. It also has regard to the need to ensure that academic Staff of the University, have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or any privileges they may have at the University. Every person employed at the University and Students' Union and every Student registering at the University should be aware that joining the University community involves obligations and responsibilities which are consistent with the above principle and the law.

1.3 This Code of Practice sets out the rights and obligations inherent within the above principle and shall be construed and applied in a spirit of upholding the principle of freedom of speech wherever reasonably possible within the existing legal framework. The Code is also drafted to

comply with the University's statutory obligations outlined above. The Code's obligations shall apply to:

- The University (which shall include all bodies or persons having authority to determine any matter relevant to this Code).
- All Staff of the University (whether academic Staff or otherwise) and those whose normal place of work is on University premises.
- All Students of the University (whether full or part-time).
- The Students' Union, including its constituent societies and associations. The Students' Union shall bring this Code to the attention of its employees and take steps to ensure that they comply with it in accordance with clause 1.5.
- Staff and Students of the University should bring this Code to the attention of any outside organisations who are providing speakers or are responsible for organising meetings.

1.4 The Code's rights shall apply to:

- All Staff, Students and visiting speakers;

1.5 And in relation to the holding of academic activities within paragraph 2.1 or meetings or like events within paragraph 3.1 on premises controlled by the University or the Students' Union or an organisation affiliated to the Students' Union, the code shall apply to:

- Persons invited or otherwise lawfully on the premises;
- Persons who, if it were not for the provisions of this Code, would have been invited to the event.

1.6 Nothing in this Code shall be deemed to affect the rights of any person taking any steps pursuant to lawful industrial action or peaceful protest.

1.7 The University and the Students' Union are required to ensure that the conditions of employment for its employees include a statement which stipulates that employees have an obligation and responsibility to comply with the provision relating to freedom of speech under the Education (No.2) Act 1986 (section 43) and this Code.

2 Academic freedom

2.1 The principle of freedom of speech set out in this Code shall extend to the performance of the proper functions by academic Staff (which expression shall include visiting and guest lecturers lawfully present by invitation of the University or of any academic tutor). It shall be contrary to this Code for any person or body to which this Code applies to take any action (other than by reasonable and peaceful persuasion or peaceful protest) to prevent the holding of, or continuance of, any lecture, tutorial or other academic activity because of the lawful views held or expressed or which are reasonably likely to be expressed, (whether or not within the University) by the lecturer or tutor concerned, unless the expression of those views is reasonably decided by the University to be likely to jeopardise public safety and order and/or the safety of Staff and Students.

2.2 It shall be contrary to this Code for any person or body to whom this Code applies to take any action (other than reasonable and peaceful persuasion or peaceful protest) to prevent any Student or group of Students from attending any academic activity required by, or properly associated with, the course for which they are duly registered because of the views or beliefs held or lawfully expressed (whether or not within the University) by that Student or because of the reasonable likelihood that such views will be expressed.

3 Meetings

3.1 Where any person or organisation subject to this Code (or, in the case of the Students' Union, any constituent society, club or association) wishes to hold a meeting or like event for the expression of views as set out in paragraph 2, on premises which the University or the Students' Union control, the University or Students' Union (as the case may be) shall not unreasonably refuse consent.

3.2 It shall not be a reasonable ground of refusal of permission or facilities for a meeting or like event that the views likely to be expressed there may be controversial or contrary to any policy of the University, the Students' Union, or Central or Local Government, provided the expression of such views is lawful. Expression of opinions which are annoying, offensive, in bad taste, or ill-mannered is not per se unlawful unless they amount to incitement to violence or incitement to racial hatred or they would otherwise constitute unlawful discrimination, or

harassment and victimisation on the grounds of protected characteristics defined by the Equality Act 2010.

3.3 It shall be accepted as reasonable to refuse consent, or withhold facilities for a meeting or similar event to which this Code applies where the University or Students' Union reasonably believes (from the nature of the speakers or from events at similar meetings in the past whether at the University or otherwise) and/or reasonably anticipates that:

3.3.1 The views likely to be expressed by any speaker are contrary to the law.

3.3.2 The intention of any speaker at the event or meeting is likely to be to incite breaches of the law or is to intend breaches of the peace to occur.

3.3.3 The views likely to be expressed by any speaker are for the promotion of any illegal organisation or purpose.

3.3.4 It is in the interests of public safety, the prevention of disorder or crime or the protection of those persons lawfully on premises under the control of the University or the Students' Union or affiliated organisations that the event does not take place.

3.4 By 'speaker' this Code means any organiser or other person invited to address the meeting other than members of any audience at that meeting.

3.5 Meetings or other related activities may be terminated early by the University where, in the course of that meeting or activity, it becomes apparent that any event under 3.3.1 to 3.3.4 is likely to occur, or has occurred.

3.6 Subject to paragraphs 3.3 and 3.5 where the University or Students' Union or affiliated body is satisfied upon reasonable grounds that the otherwise lawful expression of views at any meeting or event, the subject of the Code is likely to give rise to disorder, the University or Students' Union or affiliated body shall consider what steps shall be taken to ensure the safety of all persons, the maintenance of order and the security of premises controlled by the University, the Students' Union or any affiliated organisation, and may impose such conditions and requirements upon the organisers as it considers are reasonably necessary in all the circumstances. These may include, but are not limited to, requirements as to provision of stewards, variation of location and time, and whether such a meeting shall be open to the public at large.

3.7 Where the University or Students' Union or affiliated body is of the opinion that its powers to regulate meetings and like events by condition are insufficient to prevent serious disorder in premises subject to its control, it may decline to permit such meetings to be held. Before doing so, however, the University may consult the with the University Security team and/or the Police with a view to establishing whether the serious disorder can be prevented or otherwise dealt with appropriately by attendance of police officers or some other conditions.

3.8 Where any person or body to whom this Code applies is engaged in the organisation of any meeting or like event on premises controlled by the University or Students' Union or any affiliated body at which, because of, for example, the nature of the speaker or their views expressed in the past or likely to be expressed at such a meeting or the cause they represent, it is reasonably suspected that disorder is likely to occur, the organiser shall give the appropriate Pro Vice-Chancellor not less than 25 University working days' notice in writing of such a proposed meeting. The Pro Vice-Chancellor shall inform the person or body organising the event in writing within 5 University working days whether the meeting may nevertheless go ahead.

3.9 It shall be the duty of any lead person organising a meeting or like event under the Code to ensure the proper security and organisation (including stewarding and chairing of that meeting or like event for the purpose of protecting the rights of freedom of speech contained herein. Whilst the heckling, or like activity, of speakers is a right not to be disturbed. Systematic heckling, or other activity to disrupt, that has the effect of preventing the lawful expression of views will be considered to be in breach of this Code. It shall be contrary to this Code for any person or body subject to the Code to organise, or engage in or in any way to be or become associated with, any conduct with the intention of preventing (other than by reasonable and peaceful persuasion or protest) any meeting the subject of this Code from being held or from continuing.

4 General

4.1 Any breach of the provisions of this Code may result in action being taken in line with the relevant Staff and Student behavioural and disciplinary codes and policies.

4.2 It shall be the duty of all those subject to this Code to assist the University in upholding the rights of freedom of speech recognised in this Code.

4.3 If any person or organisation believes that the actions of the Pro Vice-Chancellor in refusing permission or facilities for the holding of any meeting, or like event, or the actions of the University or the Students' Union or affiliated body in imposing conditions are unreasonable, they shall have a right to make representations. These shall be made to the Vice-Chancellor within 5 University working days of the date of the letter confirming the decision. The Vice-Chancellor shall consider such representations and within 5 University working days shall confirm in writing to the person or body making them whether the original decision is to be upheld or varied.

4.4 Where a breach of this Code occurs, Students may raise this through the Student Complaint Procedure.

4.5 Where breaches of the criminal law occur, the University shall, where appropriate, assist prosecution authorities to implement the processes of the criminal law and, if criminal charges are preferred, shall not, unless the Vice-Chancellor (or other officer to whom such responsibility is delegated by the Vice-Chancellor) in their absolute discretion determines otherwise, proceed with any disciplinary proceedings in respect of the same matters pending the conclusion of any such proceedings.

5 Review and amendment of code

5.1 Section 43 (3) of the Education (No.2) Act 1986 requires that the Board of Governors shall issue, and keep up to date, this Code of Practice on Freedom of Speech. In order to comply with this duty, the Board of Governors shall review, formally, the operation of the Code on an annual basis.

Chapter 16

University employment of its Students: security aspects

1 Introduction

1.1 The University is increasingly employing its own Students in a wide variety of areas. This development is to be encouraged. However, Students should be aware that there are security implications which may limit the availability of certain types of employment. The principles set out below describe these limitations and are intended to protect DMU Students in employment with the University.

2 Principles

2.1 All Students employed in University departments will undertake DMU Staff induction training, and any additional training required by the role that pertains to processing of data. This includes:

- personal data concerning individuals, whether Staff, applicants or Students of the University;
- data of commercial sensitivity to the University.

2.2 Students employed in University departments will be trained in the appropriate handling of data as required by the role. No Student should be employed in activities that provide access to sensitive personal data. These include, but are not limited to:

- examination administration.
- registration and Student records.
- admissions records administration.
- issuing results notifications.
- Invoicing.
- cashiers' activities.
- debt chasing.
- student immigration status.
- data concerning health.

3 Employing department's responsibility

3.1 It is the responsibility of the employing department to assess the level of risk involved in employing Students in their area. Some data is less sensitive than others. For example, it may be appropriate, under controlled circumstances, for a Student to have access to names, addresses and final results of current or former Students; but it would not be appropriate for Students to have access to the grades of other Students, nor to have rights of amending any data.

3.2 Where Students are employed in areas of the University where there is potentially indirect access to sensitive information the employing department must adopt procedures and measures which minimise risk. For example, adoption of a clear desk policy with confidential information kept locked.

3.3 If a potential employer of Students is in any doubt they should check the matter with the appropriate data owner and with the Executive Director of People Services. These have the right of veto. Data owners are:

- Student data - **Academic Registrar**
- Finance data - **Director of Finance**
- Personnel data - **Executive Director of People Services**

3.4 A potential employer should note that a Student registered on a full-time De Montfort University programme should not undertake paid employment in excess of 15 hours per week, during term time, as this cannot be consistent with the health and wellbeing of the Student or with satisfactory completion of their programme; see Chapter 1 Entry, registration and Student status.

Chapter 17

Principles governing the introduction of changes to regulations

1 The University reserves the right to change those general regulations which are common to all Students and which are the means by which the University seeks to regulate the whole Student community. Such regulatory changes must be notified to Students in order to be effective. Such changes are normally introduced at the start of an academic session only. Examples of these regulations include: Appeals Regulations, Disciplinary Regulations, Health and Safety Regulations, regulations governing the conduct of examinations.

2 The University seeks to keep to a minimum, changes to regulations which apply to an individual Student's performance on a programme of studies. Thus, material changes to academic regulations are normally introduced in relation to new Students only. Examples of academic regulations include: the credit scheme, assessment and reassessment schemes, progression rules, module and course specifications.

3 Accordingly, material changes to academic regulations are only normally applied to current Students where the written consent of such Students has been obtained in advance.

4 Material change is defined as a change which directly affects a Student's award. Examples of material changes include: degree title, assessment criteria, progression criteria and classification criteria.

5 The University nevertheless reserves the right to make changes of detail or clarification to academic regulations and to make changes which update outmoded provision, and for these changes to apply to all Students to whom the regulations apply. Examples of such regulations include: constitution and terms of reference of University committees, course transfer rules, mode change rules, syllabus and curriculum updating.

6 It is the Academic Registrar's (or nominee's) responsibility to decide whether a particular change comes under paragraph 4 or paragraph 5 above, taking legal advice as necessary. It is also the Executive Director's function to approve arrangements for consulting Students as required in paragraph 3 above.

7 The University utilises reasonable means of notifying Students and prospective Students of regulations and changes to regulations. Thus, major regulations are made available via the DMU website.

8 Where, exceptionally, a material change is applied to current Students the change must be applied in such a manner that the Student's award is not adversely affected.

9 Due to the potential length of the period of registration of part-time Students, it may be impracticable for the University to continue to apply previous versions of academic regulations to all part-time Students until they complete their course. The University therefore reserves the right to make changes (including material changes) to academic regulations which apply to part-time Students, where this is considered necessary by the Executive Director of Student and Academic Services. In such cases, part-time Students are notified as far in advance as possible of the implication of the changes.

Glossary

The following definitions shall apply throughout the General Regulations and Procedures Affecting Students:

1. **Academic Board**

The 'Academic Board' means the Academic Board of De Montfort University.

2. **Academic Practice Officer**

The 'Academic Practice Officer' is a member of academic Staff of the University appointed by the PVC/Dean of the Faculty concerned to advise the Faculty and its Students on academic offence issues and to deal with cases within the Faculty in accordance with the terms of these regulations (Chapter 4).

3. **Academic Regulations**

The 'Academic Regulations' for taught programmes outline how Students can progress through their programme (course) and achieve their award. Some programmes have different and/or additional requirements called programme specific regulations: these are normally to meet the requirements of Professional, Statutory or Regulatory Bodies (PSRBs).

4. **Assessment**

'Assessment' is coursework or a submission that will be assessed and awarded a mark.

5. **Attendance**

'Attendance' is physical or face-to-face attendance at a teaching event.

6. **Authorised Officer**

The 'Authorised Officer' means the member of Staff having responsibility for dealing with minor disciplinary cases.

7. **Balance of Probabilities**

The 'Balance of Probabilities' means that on the basis of the evidence available, it is more likely that something occurred than not.

8. **Board of Governors**

The 'Board of Governors' means the Board of Governors of De Montfort University.

9. Break in Learning

A ‘Break in Learning’ means an apprentice is unable to engage with the apprenticeship for over a month but plans to return to learning within an agreed time frame.

10. Burden of proof and standard of proof

- The ‘burden of proof’ determines whose responsibility it is to prove an issue. In a disciplinary case the burden of proof is on the University, that is, the University must prove that the Student has done what they are accused of doing.

- The ‘standard of proof’ is the level of proof required. In the University disciplinary proceedings, it is ‘the balance of probabilities’. This must be supported by evidence. It is more than simply believing that something is likely to have happened.

11. Designated Senior Member of Staff

The ‘Designated Senior Member of Staff’ means the member of senior Staff nominated by the Vice-Chancellor to be responsible for the aspects of the Student experience subject to these regulations, normally a Pro Vice-Chancellor or Executive Director.

12. Disability Advice and Support (DAS)

‘Disability Advice and Support (DAS)’ refers to Staff working in the Student and Academic Services Directorate with responsibility for issues related to Student disabilities.

13. Disciplinary Committee

The ‘Disciplinary Committee’ means the Disciplinary Committee established by the Board of Governors under the provisions of these Regulations.

14. Dismissal

‘Dismissal’ means a Student’s registration on a programme is ended. This can be for a number of reasons including academic failure. Students re-entering the university following academic failure, are normally subject to a time delay before they can return (at least one calendar year for postgraduate programmes and at least two calendar years for undergraduate programmes).

15. Educational Services

'Educational Services' means the services and rights the University provides to a Student in return for the Student's payment of Tuition to the Institution; it does not include fees for room and board, travel, health care, books, supplies or equipment.

16. Engagement

'Engagement' is interacting with any of the face to face or on-line activities available to Students through their faculty or the wider institution (e.g., Blackboard activities; activities available through Library and Learning Services)

17. Examination

'Examination' is a formal assessment conducted within a specific/limited timeframe either online or face to face.

18. Exclusion

'Exclusion' means registration for any award is held in abeyance and no work can be submitted for assessment. Unlike expulsion it is not absolute, and an excluded Student may be able to be registered as a Student of the University again.

19. Expulsion

'Expulsion' means a Student who is expelled, is excluded from the University, loses Student status and is not eligible for re-admission to the University as a Student. Expulsion is absolute and is not restricted as to time or programme. A Student who has been expelled has no further link with the University and is not eligible to form a new link.

20. Equality Legislation

'Equality Legislation' refers to the Equality Act 2010 and other relevant legislation.

21. Faculty Engagement Officers

'Faculty Engagement Officers' are members of Staff who act as a point of liaison between Faculties and Student Welfare. They identify reasonable adjustments for disabled Students and offer support to Students who are experiencing challenges in progressing at DMU.

22. Fitness to Practise

The 'Fitness to Practise' Procedure sets out the process for dealing with allegations relating to Student professional misconduct on programmes leading to professions regulated by Professional, Statutory & Regulatory Bodies, for example, nursing or social work.

23. Learners

‘Learners’ are those on a study of programme funded by Education and Skills Funding Agency (ESFA), Adult Education Budget (AEB) or inspected by Ofsted. For the purpose of these regulations, they are Students.

24. Leave of Absence

‘Leave of Absence’ is an extended period of time in which a Student takes a break from attending the University due to extenuating circumstances. This must be requested formally through the Faculty.

25. Mental Health

‘Mental Health’ is a way of describing a person’s state of emotional wellbeing. Everyone has mental health, which may vary between good, or at times poor.

26. Mental Health Inclusion Team

The ‘Mental Health Inclusion Team’ is the team located in Student Welfare who have specific responsibility for working with Students experiencing mental health difficulties.

27. Non-contact agreement

A ‘Non-contact agreement’ is an agreement that Students involved in disciplinary investigations may be requested to agree to and to sign. The purpose of the ‘Non-contact agreement’ is to facilitate a full and unhindered investigation, and to protect the health and wellbeing for all parties involved.

28. Personal Tutor

The ‘Personal Tutor’ is the faculty based academic member of Staff assigned to an individual Student whilst registered at the University who can provide academic and pastoral support.

29. Presence

‘Presence’ is presence at an online synchronous teaching event.

30. Programme

‘Programme’ means a course or programme of study leading to a named award of De Montfort University.

31. The Regulations

‘The Regulations’ (or ‘these Regulations’) means the General Regulations and Procedures Affecting Students currently in force.

32. Staff

The ‘Staff’ means all persons employed by the University, whether in academic or support roles.

33. Student

The ‘Student’ means any graduate, undergraduate or other person registered for a course of study, whether full-time or part-time, of De Montfort University, or learner on an apprenticeship programme.

34. Student at Risk Committee

The ‘Student at Risk Committee’ determines and coordinates appropriate courses of action in situations which give rise to concerns about potential significant risk arising in relation to individual Students and/or the wider University community.

35. Student’s Companion

The ‘Student’s Companion’ means a member of the academic Staff of the University (if appropriate), or a registered Student of the University, or a member of the Students’ Union Advice Team. The role of the companion is to offer support during formal panel meetings. It is not expected that the companion will need to speak during the investigation or the panel meeting, unless by prior agreement. Meetings and hearings held under this procedure are not legal forums, neither the University nor the Student are permitted to be represented by legal practitioners. ‘The Student’s Companion’ can only be a legal adviser in circumstances where the Student’s Fitness to Practise is in question (see the Fitness to Practise Policy). In this instance, the University will also have a legal adviser present. Trade Union representation is not permitted at Fitness to Practise panels.

36. Student ID Card

The ‘Student ID Card’ serves as evidence of status as a registered Student of the University. It is used for access to University buildings including the library and the use of University services. It is also used in conjunction with designated card reading equipment to facilitate attendance monitoring.

37. Student Route

‘Student Route’ previously known as Tier 4, is the route by which a Student that is subject to border control may obtain leave to enter or remain in the UK for the purposes of study. Student Route (and Tier 4) Student presence in the UK, is sponsored by the University and subject to continued compliance with all relevant University and UK Visas and Immigration regulations and policy.

38. Students' Union

The 'Students' Union' means the De Montfort University Students' Union.

39. Student Welfare Service

The 'Student Welfare Service' is the section of the university which provides disability, mental health and wellbeing support, international Student support, sexual and domestic violence support and spiritual support.

40. Suspended from Placement

'Suspended from Placement' means a Student will be suspended from their programme related placement pending action required by the Faculty or the University Security team. This will be for a defined period of time.

41. Suspension

'Suspension' means a Student who is suspended and is excluded from the University for a defined period after which the Student is eligible to return to resume studies. The level of suspension is decided on a case-by-case basis. During the period of suspension, the Student's registration for any award is held in abeyance and no work can be submitted for assessment. A fully suspended Student is not permitted on site and is not allowed access to University premises or facilities for the period of suspension. A partially suspended Student will be permitted access to online resources e.g., Blackboard, during the period of suspension whilst investigations are in progress.

42. University

The 'University' means De Montfort University.

43. University Premises

'University Premises' means premises owned, leased or used by De Montfort University or provided for the benefit of De Montfort University Students.

44. Welfare Lead

The 'Welfare Lead' is a member of Staff from Student Welfare who has been asked to take a lead in relation to a specific issue.