

## 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](#).

### 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 paragraph 5.4.

## 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](#) of the 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 paragraph 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 fulltime 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](#)) or in appealing against an assessment board decision (see [Chapter 8](#)).
- 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](mailto: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 unauthorised (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 and 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 deregistered 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 1992.
- 8.2 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<sup>1</sup> 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:

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

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.

- 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.<sup>2</sup>
- 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.<sup>3</sup> 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.

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.

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<sup>1</sup> Please see paragraph 4.6, Chapter 1 of these Regulations

<sup>2</sup> Please see paragraph 4.6, Chapter 1 of these Regulations

<sup>3</sup> 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 BKSBS 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 BKSBS 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](http://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.

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## Chapter 2

### 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](#).
- 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 nonengagement 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 be 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](#)).

- 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.

## **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 Registry Services.
- 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 Registry 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 confidentiality and how DMU processes personal data, and the legal basis for doing so are within DMU's privacy notice [and data protection information](#)

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## Chapter 3

### 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 \(dmu.ac.uk\)](https://dmu.ac.uk/academic-regulations-and-assessment-boards)

#### 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.<sup>1</sup>
- 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 Criteria for considering requests for deferral

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

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.

### 3.2 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 Registry Services and faculty offices are published annually.
- 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.
- 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 [scs@dmu.ac.uk](mailto:scs@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.

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## Chapter 4

### 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 <sup>1</sup>.
- 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.

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<sup>1</sup> The procedure for requesting deferral in an examination is explained in Chapter 5 of these Regulations.

- 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.
- 1.4 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 Coordinator 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 nonstandard 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 Registry Services.
- 2.8 Further advice is available via [The Student Gateway](#).
- 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.

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## Chapter 5 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](#).
- 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](mailto: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](#).
- 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](https://www.dmu.ac.uk/about-dmu/quality-management-and-policy/records-management/records-management.aspx) 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.

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## Chapter 6

### **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 permissible 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 During the assessment or examination

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 \(dmu.ac.uk\)](https://academicappeals.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](mailto: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](mailto: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,  
A Deputy Dean holding a doctorate degree (in the case of a research Student).
- **In the case of Students on taught courses,**  
A member of the Academic Board,  
Associate Dean (Academic),  
Associate Professor (Quality) or nominee.
- **In the case of a research Student,**  
A member of the Research Degrees Committee.
- The Director of Registry Services or nominee.
- A member of the Students' Union Executive Committee.

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<sup>1</sup> before the date of the hearing. If the Student does not attend the hearing, the hearing will go ahead in their absence.

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<sup>1</sup> 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

- 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 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.

**Created:** June 2018

**Originating Directorate:** Registry Services

**Updated by:** Joseph Parmar

**Approved by:** Academic Board

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## Chapter 7

### 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"<sup>1</sup> and complements the advice and guidance on concerns, complaints and appeals published by the UK Quality Code for Higher Education.<sup>2</sup>

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.

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<sup>1</sup> The good practice framework: handling student complaints and academic appeals – Office of the Independent Adjudicator Revised December 2016  
<sup>2</sup> UK

<sup>2</sup> UK Quality Code for Higher Education, Advice and Guidance, Concerns, Complaints and Appeals – Quality Assurance Agency November 2018

- 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.

## **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](mailto: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](mailto: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](mailto: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](mailto: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 7.6 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.
- 7.6 Grounds for Escalation  
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 7.6 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](mailto: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 given 15 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 [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 [Student Misconduct Policy](#).

## **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 one calendar month. 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. *	<ul style="list-style-type: none"> <li>What specifically is the complaint about and which area(s) of the University are involved? What outcome is the Student hoping to achieve?</li> <li>Is the complaint straightforward and likely to be resolved or responded to with minimal investigation or by using an existing University policy?</li> <li>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?</li> </ul>	<p>Either:</p> <p>Complaint upheld/partially upheld and remedy offered</p> <p>Or</p> <p>Complaint dismissed with an explanation why</p> <p>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)</p>

**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. *	<ul style="list-style-type: none"> <li>What are the specific, key elements to the complaint?</li> <li>Why was Local Resolution at Stage 1 unsuccessful? Was any potential resolution offered?</li> <li>What does the Student seek to achieve by escalating the complaint to Stage 2?</li> <li>Do the Student's expectations appear to be reasonable and achievable?</li> <li>Should the Office of the Student Appeals and Conduct Officer be asked if mediation might be appropriate in this case?</li> </ul>	<p>Either:</p> <p>Complaint upheld/partially upheld and remedy offered</p> <p>Or</p> <p>Complaint dismissed with an explanation why</p> <p>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)</p>

**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. *	<ul style="list-style-type: none"> <li>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?</li> </ul>	<p>Explanation and evidence to the Student made in writing via email (including right to proceed to the Office of the Independent Adjudicator)</p> <p>Upheld/partially upheld and remedy made</p> <p>or</p> <p>Dismissed</p>

Students have 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](#)

**Created:** June 2018

**Originating Directorate:** Registry Services

**Updated by:** Joseph Parmar

**Approved by:** Academic Board

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## Chapter 8 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.

## 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.

## 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](mailto:healthandsafety@dmu.ac.uk) and offices are located in Bede House, Floor 1.

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## Chapter 9

### 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](#) 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 \(sharepoint.com\)](https://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 Services, 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**

### **1. Policy and guidelines for using Library 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

- 1.1 The Directorate of Library 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.
- 1.2 The policy and guidelines apply to Students registered at DMU.
- 1.3 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 as 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](mailto:libadmin@dmu.ac.uk)

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**Originating Directorate:** Registry Services

**Updated by:** Joseph Parmar

**Approved by:** Academic Board

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## Chapter 10      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,
3. These are examples of circumstances beyond the control of the University but they do not represent an exhaustive definition of such circumstances.

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## 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](#) 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.
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- 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.
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- 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**

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### **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 \(dmu.ac.uk\)](https://www.dmu.ac.uk/libguides)
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- 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 as 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](mailto:libadmin@dmu.ac.uk)

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## Chapter 11 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 - [INTELLECTUAL PROPERTY POLICY FOR NON-RESEARCH STUDENTS](#).
- 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.

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## Chapter 12

### 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.

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## Chapter 13

### 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.

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## Chapter 14

# 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](#).

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## Chapter 15

### 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 Registrar'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 Director of Registry Services. In such cases, part-time Students are notified as far in advance as possible of the implication of the changes.

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