

This document relates to the 2020/2021 academic year only. A replacement version will be issued for subsequent years. These regulations are issued without prejudice to the right of De Montfort University to make such modifications to the matters dealt with as it considers necessary, without prior notice.

This document is available via the Internet on www.dmu.ac.uk/dmu-students/student-and-academic-services/academic-support-office/student-regulations. Extracts in Braille, large print or other formats can be obtained by contacting the Academic Support Office in Student and Academic Services, telephone 0116 207 8309.

Guidance on the application of these Regulations can be obtained from Student and Academic Services by contacting the Academic Support Office in the first instance.

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Glossary

The following definitions shall apply throughout the General Regulations and Procedures Affecting Students:

- The **‘Academic Board’** means the Academic Board of De Montfort University.
- The **‘Academic Practice Officer’** is a member of academic Staff of the University appointed by the PVC/Dean of the Faculty concerned to advise the Faculty and its Students on academic offence issues and to deal with cases within the Faculty in accordance with the terms of these regulations (Chapter 4).
- The **‘Academic Regulations’** for taught programmes outline how Students can progress through their programme (course) and achieve their award. Some programmes have different and/or additional requirements called programme specific regulations: these are normally to meet the requirements of Professional, Statutory or Regulatory Bodies (PSRBs).
- **‘Attendance’** is physical or face-to-face attendance at a teaching event.
- The **‘Authorised Officer’** means the member of Staff having responsibility for dealing with minor disciplinary cases.
- The **‘Balance of Probabilities’** means that on the basis of the evidence available, it is more likely that something occurred than not.
- The **‘Board of Governors’** means the Board of Governors of De Montfort University.
- **‘Burden of proof’ and ‘standard of proof’**
 - The **‘burden of proof’** determines whose responsibility it is to prove an issue. In a disciplinary case the **burden of proof** is on the University, that is, the University must prove that the student has done what they are accused of doing.
 - The **‘standard of proof’** is the level of proof required. In the University disciplinary proceedings, it is **"the balance of probabilities"**. This must be supported by evidence. It is more than simply believing that something is likely to have happened.
- The **‘Designated Senior Member of Staff’** means the member of senior Staff nominated by the Vice-Chancellor to be responsible for the aspects of the student experience subject to these regulations, normally a Pro Vice-Chancellor or Executive Director.

- **‘Disability Advice and Support (DAS)’** refers to Staff working in the Student and Academic Services Directorate with responsibility for issues related to student disabilities.
- The **‘Disciplinary Committee’** means the Disciplinary Committee established by the Board of Governors under the provisions of these Regulations.
- **‘Dismissal’** means a student’s registration on a programme is ended. This can be for a number of reasons including academic failure. Students re-entering the university following academic failure are subject to a time delay before they can return (at least one calendar year for postgraduate programmes and at least two calendar years for undergraduate programmes).
- **‘Engagement’** is interacting with any of the physical or on-line activities available to students through their faculty or the wider institution (e.g. Blackboard activities; activities available through Library and Learning Services)
- **‘Exclusion’** means registration for any award is held in abeyance and no work can be submitted for assessment. Unlike expulsion it is not absolute, and an excluded student may be able to be registered as a student of the University again.
- **‘Expulsion’** means a Student who is expelled, is excluded from the University, loses Student status and is not eligible for re-admission to the University as a Student. Expulsion is absolute, and is not restricted as to time or programme. A student who has been expelled has no further link with the University and is not eligible to form a new link.
- **‘Equality Legislation’** refers to the Equality Act 2010 and the Disability Discrimination Act 1995.
- **‘Faculty Engagement Officers’** are members of staff who act as a point of liaison between Faculties and Student Welfare. They identify reasonable adjustments for disabled Students, and offer support to Students who are experiencing challenges in progressing at DMU.
- The **‘Fitness to Practise’** Procedure sets out the process for dealing with allegations relating to Student professional misconduct on programmes leading to professions regulated by Professional, Statutory & Regulatory Bodies, for example nursing, and social work.
- **‘Mental Health’** is a way of describing a person’s state of emotional wellbeing. Everyone has mental health, which may vary between good, or at times poor.

- The **‘Mental Health Inclusion Team’** is the team located in Student Welfare who have specific responsibility for working with Students experiencing mental health difficulties.
- A **‘Non-contact agreement’** is an agreement that Students involved in disciplinary investigations may be requested to agree to and to sign. The purpose of the **Non-contact agreement**, is to facilitate a full and unhindered investigation, and to protect the health and wellbeing for all parties involved.
- The **‘Personal Tutor’** is the faculty based academic member of Staff assigned to an individual Student whilst registered at the University who can provide academic and pastoral support.
- **‘Presence’** is presence at an online synchronous teaching event.
- **‘Programme’** means a course or programme of study leading to a named award of De Montfort University.
- **‘The Regulations’** (or ‘these Regulations’) means the General Regulations and Procedures Affecting Students currently in force.
- The **‘Staff’** means all persons employed by the University, whether in academic or support roles.
- The **‘Student’** means any graduate, undergraduate or other Student registered for a course of study, whether full-time or part-time, of De Montfort University.
- The **‘Student at Risk Committee’** determines and coordinates appropriate courses of action in situations which give rise to concerns about potential significant risk arising in relation to individual Students and/or the wider University community.
- The **‘Student’s Companion’** means a member of the academic Staff of the University (if appropriate) or a registered Student of the University or a member of the Students’ Union Advice Team. The role of the companion is to offer support. It is not expected that the companion will need to speak during the investigation or the panel meeting, unless by prior agreement. Meetings and hearings held under this procedure are not legal forums, neither the University nor the Student are permitted to be represented by legal practitioners. **The Student’s Companion’** can only be a legal adviser in circumstances where the Student’s Fitness to Practise is in question (see the Fitness to Practise Policy). In this instance the University will also have a legal adviser present. Trade Union representation is not permitted at Fitness to Practise panels.
- The **‘Student ID Card’** serves as evidence of status as a registered Student of the University. It is used for access to University buildings including the

library and the use of University services. It is also used in conjunction with designated card reading equipment to facilitate attendance monitoring.

- The **'Students' Union'** means the De Montfort University Students' Union.
- The **'Student Welfare Service'** is the section of the university which provides disability, mental health and wellbeing support, international Student support, sexual and domestic violence support and Chaplaincy.
- **'Suspended from Placement'** means a Student will be suspended from their programme related placement pending action required by the Faculty or the University Security team. This will be for a defined period of time.
- **'Suspension'** means a Student who is suspended and is excluded from the University for a defined period after which the Student is eligible to return to resume studies. There are two levels of suspension (full and partial) and the level is decided on a case by case basis. During the period of both levels of suspension the Student's registration for any award is held in abeyance and no work can be submitted for assessment. A fully suspended Student is not permitted on site and is not allowed access to University facilities for the period of suspension. A partially suspended Student will be permitted access to Blackboard during the period of suspension whilst investigations are in progress.
- The **'University'** means De Montfort University.
- **'University Premises'** means premises owned, leased or used by De Montfort University or provided for the benefit of De Montfort University Students.
- The **'Welfare Lead'** is a member of staff from Student Welfare who has been asked to take a lead in relation to a specific issue.

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. These regulations and policies are available via the Internet on <https://www.dmu.ac.uk/current-students/student-support/index.aspx>.
- 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 disciplinary offences as determined by the Board of Governors.

2 Registration

2.1 Minimum age for applicants

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 enrolment. Applicants who will not be 18 on enrolment should read the University's "Policy for managing Students who are under 18 on registration" available here <https://www.dmu.ac.uk/documents/dmu-students/academic-support-office/policy-for-managing-students-who-are-under-18-on-enrolment.pdf>.

2.2 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.

2.3 Student ID card

In order to be recognised as a Student of the University a person must obtain a personal student identification card, which bears their official registration number. This card cannot be issued until the prospective Student has completed enrolment/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.

2.4 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. This policy can be found here:

<https://www.dmu.ac.uk/current-students/student-support/student-finance/tuition-fees/tuition-fee-charging-and-refunding-policy-2019-20.aspx> . Please also refer to Paragraph 5 below.

2.5 Criminal Convictions

2.5.1 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.

2.5.2 As part of the registration process all prospective 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.

- 2.5.3 Records of all such investigations shall be maintained in accordance with the University's policy on retention and disposal of Student records set out in Chapter 7, Paragraph 5 of these General Regulations.
- 2.5.4 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.
- 2.6 Family members who are University Staff
The University prohibits direct teaching, examining or supervising of one family member by another. 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) if this situation arises.
- 2.7 If a Student is aware that any member of their family is, or becomes, a member of Professional Services (i.e. non-academic) or Senior Staff they must inform the Executive Director of Student and Academic Services who will ensure appropriate measures are in place to protect confidentiality and integrity of data.
- 2.8 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) 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.
- 2.9 Where the applicant has already registered as a Student, the Executive Director of Student and Academic Services may declare the registration void, in which case the Student shall be withdrawn from the University.
- 2.10 In such cases, the former applicant or Student may present any explanation or observations to the Vice-Chancellor in writing within 14 days of the date on which the Executive Director 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 Executive Director. The decision of the Vice-Chancellor shall be final and not subject to review by any other University body.

- 2.11 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.
- 2.12 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.
- 2.13 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 Students Visa. Students are advised that full-time employment is not consistent with the requirements of full-time study. Employment in excess of 15 hours per week is likely to be detrimental to academic achievement and the health and wellbeing of the Student.
- 2.14 No Student registered on a full-time programme should present commitment to paid employment as extenuating circumstances in requesting deferral of an assessment (see Chapter 5: *Deferral of assessment on grounds of extenuating circumstances*) or in appealing against an assessment board decision (see Chapter 8: *Students' right of appeal against assessment board or Higher Degrees Committee decisions*).
- 2.15 Where the University has concerns that a Student sponsored under its Tier 4 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 of a withdrawal of Tier 4 sponsorship for that Student.
- 2.16 Student address and changes of address and contact details
Completion of registration for an academic year requires notification by each Student of their home address, local residential 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 local or permanent home address(es) from those given on their registration form, as soon as any change has been effected.

- 2.17 The University requires Tier 4 student term-time addresses to be within a 40-mile radius of the campus. Students that live outside of this radius may request exemption from this requirement; applications will be considered on an individual basis, and the decision to grant any exemptions will be made by the Immigration Compliance Manager and is final.
- 2.18 Tier 4 Students who declare a term-time address outside of a 40-mile radius, 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 Tier 4 sponsorship for that Student.
- 2.19 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). This name must be shown on the Student's registration form. 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

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 immediately to 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: *Support to study*).

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.
- 4.2 Faculties will monitor other forms of academic engagement including but not limited to Blackboard activity and Library visits.

- 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 log on to pre-recorded (asynchronous) online teaching or failure to be present at 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 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. 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 unauthorised absence and absences due to illness of more than 60 days.
- 4.6 Students who hold a Tier 4 Visa
Students who hold a Tier 4 visa whose attendance falls below the required standards will be reported as no longer attending the University to UK Visas and Immigration (UKVI). This may lead to UKVI curtailing the Student's visa as per their regulations.
- 4.7 Extended leave of absence
When extended leave of absence is requested for any purpose, except special study (which may be approved as part of the programme), a Student must approach the appropriate Associate Dean Academic (or supervisor in the case of research Students).
- 4.8 Where a Tier 4 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 Tier 4 sponsorship for that Student.
- 4.9 Withdrawal
A Student who decides to withdraw from a programme must inform their Associate Dean (Academic) or supervisor in writing, clearly stating the date on which 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 British Universities and Colleges Sport (BUCS) competitions

The University fully supports the participation of University teams in the Quarter Final, Semi-Final and Final stages of BUCS competitions. Staff may grant leave of absence to Students in these exceptional circumstances on condition that the following guidelines are adhered to:

4.10.1 The Student should make the member of Staff aware of their probable participation in a team competing in the final stages of a BUCS competition.

4.10.2 At the same time the Student should inform the member of staff of the dates of the Quarter Finals, Semi-Finals and Final of the event in which they are taking part.

4.10.3 The Student should give the member of staff one week's (or if this is not feasible at least 4 days) notice of requiring leave of absence from a lecture on a Wednesday morning.

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 etc.

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, and payment is due at the start of session (see also 5.3):

- Tuition fee.
- Accommodation fee, where applicable.
- 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 this policy for details:

<https://www.dmu.ac.uk/documents/current-students/student-support/student-debt-collection-policy.pdf>

5.2 Temporary registration

The Executive Director of Student and Academic Services 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

The assessment results of Students who owe tuition fees will be given on the standard notification form, endorsed with a statement that the Student is in debt to the University.

5.5 Academic awards shall not be conferred upon Students who owe tuition fees. Attendance at graduation will not be permitted for students who owe tuition fees.

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.

5.7 After due warning, the registration of Students who have failed to pay tuition fees shall be declared void by the Executive Director of Student and Academic Services, 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 housing must pay the appropriate accommodation fees by the date stipulated in the Occupational Licence which they are required to sign. 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 in paragraph 5.4 (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 paragraph 5.13 below). Faculties will notify Students of this possible sanction before a loan is authorised. AV Loans has its own terms and conditions which can be found here: <https://hal.dmu.ac.uk/home/AVLoans/Terms.pdf>
- 5.13 Failure to pay other academic fees and dues
The University will endeavour to work with Students who fall in to 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 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 in paragraph 5.4 (above).
- 5.15 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.

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

5.17 Replacement certificates and transcripts

The University makes an administrative charge for providing certified true copy replacement award certificates and transcripts. Students must complete the application process to request a replacement certificate.

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 is published on the De Montfort University Intranet.

7 Policy on Gifts

7.1 The University takes its obligations under the Bribery Act 2010 very seriously, and in light of this discourages all Students from giving gifts to members of Staff. 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. 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.

8.2 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.

8.3 The Executive Director of Student and Academic Services, or nominee, will write to the Student accordingly. Any Student who wishes to appeal such a decision should do so in writing to the Executive Director of Student and Academic Services within 10 working days, who will

arrange for a member of the Board of Governors to review the decision.

9 Tier 4 Students

- 9.1 Students sponsored by the University under Tier 4 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 Tier 4 sponsorship, which will lead to curtailment of the Student's Tier 4 visa by UK Visas and Immigration ("UKVI").
- 9.2 Tier 4 Students must update the University of changes to their contact details. Failure to respond to requests for confirmation of contact details will be deemed as Students not complying with a request from their Tier 4 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.
- 9.3 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.
- 9.4 The University will contact Students from time to time regarding issues relating to a Student's Tier 4 status. Repeated failure to respond satisfactorily to requests for information will be deemed as the Student not complying with their Tier 4 sponsor, and the University will withdraw sponsorship.
- 9.5 Should the University have concerns about a Student failing to comply with any terms of their Tier 4 visa, such as excessive employment, the University reserves the right to report these concerns to UKVI and/or withdraw sponsorship.

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, undergraduate and postgraduate, at all levels of study.
- 2** Unauthorised absence which causes concern to your Faculty will result in the following action:
 - 2.1** Your attendance and/or online presence will be monitored weekly. In Weeks 5, 9, 19, 24 and where relevant, Week 32, faculties will check your attendance and/or online presence record, including participation in asynchronous and synchronous online teaching. If your attendance and/or online presence is nil for the period, the Faculty will contact you. This correspondence will contain appropriate advice and guidance for you in relation to engagement with your studies.
 - 2.2** In addition, if you are a Tier 4 visa Student and you fail to attend or be present online at least one teaching event per week, the Faculty will contact you following Weeks 5, 9, 19, 24 and where relevant, Week 32; this correspondence will contain appropriate advice and guidance for you in relation to engagement with your studies.
 - 2.3** If your attendance or presence online does not improve and/or you are not able to provide a satisfactory explanation for non-attendance or absence online and/or there is insufficient evidence of academic engagement, you will be deemed to be withdrawn and the Student Loan Company or UKVI notified (where relevant).
 - 2.4** If your attendance or presence online, otherwise causes concern, for example, on scrutiny of the attendance records as explained in 2.1 and 2.2, your Faculty will contact you to discuss your academic obligations and work with you to encourage re-engagement with your study. This will include investigating other forms of academic engagement including but not limited to Blackboard activity and engagement with Library and Learning Services on campus or online.
- 3** 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 expectation.
- 4** 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 contact

their employer to notify them of this absence and arrange alternative options to make up delivery.

- 5 Where apprenticeship learning cannot be attended due to personal circumstances, alternative arrangements should 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 must be removed from the programme, or will be in breach of government funding regulations.
- 6 For Tier 4 students this policy is applied in addition to the University's UKVI Tier 4 Attendance Policy.¹
- 7 Any Student whose registration is terminated for non-attendance will be permitted to apply to re-join the University after a period of two years.
- 8 Tier 4 students who wish to appeal a Faculty's decision to terminate registration must show initial intent to appeal within 5 working days of formal notification of the decision. Students should submit an [Intent to Appeal Form](#) to the Student Appeals and Conduct Officer (or nominee) (E: acasupportoffice@dmu.ac.uk). If no intent is shown within the 5 working days, the University will begin processes of notifying UKVI.²
- 9 Tier 4 students will then have a further 16 working days to submit a formal appeal in writing to the Student Appeals and Conduct Officer (or nominee) (E: acasupportoffice@dmu.ac.uk)
- 10 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 working days of formal notification of the decision. FIAD students will then have a further 16 working days to submit a formal appeal in writing to the Student Appeals and Conduct Officer (or nominee), as above.
- 11 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 working days of formal notification of the decision).
- 12 The Student Appeals and Conduct Officer (or nominee) will review the case to ensure proper procedure (as outlined above) was followed. Their decision is final and not subject to review by any other University body

¹ Please see paragraph 4.6, Chapter 1 of these Regulations

² Please see paragraph 4.6, Chapter 1 of these Regulations

Annex 2: Apprenticeships

- 1 Apprentices at DMU are subject to all standard Student regulations of the University. 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 terms and conditions of the **Apprenticeship Training Services Agreement (Contract for Services)** the University has with their employer and the **Apprenticeship Agreement** between apprentice's and their employer and the **Individual Learning Plan (ILP, which includes the imbedded commitment statement)**, which has been signed by the apprentice, their employer and the University.

2 ESFA Funding Rules

- 2.1 The University retains the right to interpret the ESFA funding rules as it sees fit, to ensure that apprentices, employers and DMU remain compliant with up to date government rules.
- 2.2 If an apprentice/employer is deemed to be in breach of the ESFA funding rules, then DMU retains the right to remove them from the apprenticeship programme. This includes, but is not limited to;
 - 2.2.1 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.
 - 2.2.2 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 or the Individual Learning Plan (ILP).

3 Progression of Learning

- 3.1 In addition to academic learning, the apprentice is required to evidence work-based learning, and engage with the University to demonstrate ongoing learning in compliance with ESFA funding rules. The University retains the right to remove an apprentice from the programme if;
 - 3.1.1 the apprentice is unable to maintain relevant and on-going work-based evidence of their apprenticeship

- 3.1.2 The apprentice fails to demonstrate ongoing evidence of 20% Off the Job hours on an agreed schedule by the faculty, as this is required to achieve the Gateway stage prior to End Point Assessment
- 3.1.3 an apprentice fails to meet agreed deadlines as set out in improvement plans/objectives designed to bring their work-based evidence up to target
- 3.1.4 the apprentice and/or employer fail to engage with DMU through requested meetings This could include (but is not limited to):
 - Inductions
 - Scheduled learning days
 - Regular, scheduled progress reviews
 - Governance meetings
 - Intervention/support meetings

4 Interruption to Learning

- 4.1 Apprentices may take a 'break in learning' (interrupt their studies) only if they plan to resume their studies at a later date and the interruption (including the duration) is expressly agreed by the University and their employer. For example, they may wish or need to interrupt their studies for medical treatment or for family/personal reasons.
- 4.2 If an apprentice intends to take a 'break in learning' (interrupt their studies), the apprentice must notify the University immediately by email to HADAadmin@dmu.ac.uk.
- 4.3 If there is any change to their circumstances or employment status, the apprentice must notify the University immediately by email to HADAadmin@dmu.ac.uk.

5 Student Finance

- 5.1 Apprentices are not eligible for Tuition Fee Loans. Tuition fees for apprenticeships will be paid by the Government and the apprentice's employer.
- 5.2 Apprentices are not eligible for Maintenance Loans. Apprentices are employed and must be paid at least the National Minimum Wage (Apprentice Rate) by their employer.
- 5.3 Apprentices do not automatically qualify for Council Tax Exemption.

Chapter 2 Student discipline¹

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

Part A: Introduction, Definitions and General Principles

1. Introduction

- 1.1 The University's disciplinary rules and procedures as set out in this Chapter 2 of the University's General Regulations (referred to hereafter as the Disciplinary Procedure) apply to all registered Students of the University. In addition, Students attending De Montfort University programmes in franchise or associate colleges or undertaking placement with approved providers as part of their programme will be subject to codes of conduct and disciplinary regulations in force in the college or placement provider in accordance with paragraph 1.8 of this Chapter 2.
- 1.2 If the Disciplinary Procedure is instigated when a Student is registered, but the process is not completed by the time of the final assessment board, the University reserves the right to consider the evidence and reach an outcome which may impact on a Student's attendance at graduation. The Student may attend the hearing as de-registered, and has a right to respond.
- 1.3 The use of the Disciplinary Procedure against a Student is a serious matter. Any Student subject to the Disciplinary Procedure is strongly advised to seek assistance from the Students' Union.
- 1.4 The Vice-Chancellor may delegate to a Designated Senior Member of Staff his powers under the Disciplinary Procedure, generally or in respect of a particular case.
- 1.5 A Student will be deemed to have been notified of any actions arising from the operation of the Disciplinary Procedure within 2 working days of a letter of notification having been sent by secure email to the Student email addresses the University has on record. Each Student is responsible for ensuring that the University is notified promptly of any change of address².

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

² See Chapter 1, paragraph 2.16 of these Regulations.

- 1.6 Penalties should be appropriate to the offence committed and decided only in accordance with the Disciplinary Procedure. All decisions made under the Disciplinary Procedure shall be made only by those persons with authority to do so. No negotiations or discussions between the University and the Student shall take place outside the processes set out in the Disciplinary Procedure.
- 1.7 In circumstances where Students demonstrate behavioural problems about which it would be inappropriate to take disciplinary action under the Disciplinary Procedure, the procedure set out in Chapter 3 of these Regulations may be followed.
- 1.8 For Students registered with the University studying as apprentices, in franchise colleges, associate colleges or private providers, or undertaking placement with approved providers as part of their programme the following shall apply:
- 1.8.1 Any academic disciplinary procedures affecting Student performance or progression shall be dealt with under De Montfort University's General Regulations and Procedures Affecting Students in force at the time.
 - 1.8.2 The University's General Regulations and Procedures Affecting Students shall apply in all cases apart from minor matters concerning the use of the provider premises or facilities, in which case local college regulations shall take precedence.
 - 1.8.3 Expulsion or suspension of a Student can only be invoked through the University's General Regulations and Procedures Affecting Students in force at the time.
 - 1.8.4 In disciplinary cases considered under provider regulations findings against Students shall be reported by the Head of the College to the appropriate Authorised Officer (for minor offences) or the Clerk to the Disciplinary Committee (for major offences) who shall then inform the appropriate Dean of Faculty.
 - 1.8.5 Major offences committed at associate or franchise providers overseas, or parts of the University based overseas, will be dealt with under the procedure set out in Annex 5.

2. Definitions

- 2.1 The Disciplinary Procedure shall apply on campus and off campus whilst a registered Student of the University, and subject to paragraph 1.7 of this Chapter 2, shall cover De Montfort University Students and apprentices at associate and franchise colleges.
- 2.2 Definitions and some examples of minor and major offences are given in Paragraphs 12 and 15 below.
- 2.3 For the purposes of the Disciplinary Procedure criminal convictions shall include convictions in court, and police cautions, and fixed penalty notice for any offence involving violence, antisocial behaviour, drunkenness, dishonesty or drugs.

3. General principles

- 3.1 Whenever the Disciplinary Procedure is used the following general principles shall apply.
 - 3.1.1 Disciplinary incidents may be identified by Staff, Students or members of the public. Any person who has reason to believe that a Student has breached the Disciplinary Code set out in Part C of this Chapter 2 should notify the relevant Authorised Officer or the Head of Security (E: security@dmu.ac.uk).
 - 3.1.2 Each case should be addressed as promptly and efficiently as possible and at the level appropriate to the nature of the offence.
 - 3.1.3 There should be consistency of approach across the University in relation to major and minor disciplinary cases.
 - 3.1.4 Each case should be handled fairly and equitably with due regard to the individual circumstances of each case.
 - 3.1.5 It is accepted that in addressing cases of Student discipline, issues relating to the pastoral care and welfare of the Student may arise and that these shall be handled with sensitivity.
 - 3.1.6 PVC/Deans of Faculties will be fully informed of all disciplinary matters affecting Students within their respective areas of responsibility and will keep a record for the duration of that Student's registration with the University of Students who have been found to have committed disciplinary offences.
 - 3.1.7 For the purpose of the Disciplinary Code, standard of proof is the balance of probabilities.

Part B: Criminal offences

4. Criminal offences

- 4.1 Where it comes to the University's attention that a Student has been convicted of³ or is being investigated by other authorities for a criminal offence or has been formally charged with a criminal offence which took place prior to any period of registration with the University and was not disclosed to the University, such a Student may be subject to disciplinary action under these regulations where the offence is of such a nature that the University reasonably believes that the presence of the Student in the University is likely to put the safety or wellbeing of other members of the University at risk or that the offence, if proven, renders the Student unfit to be admitted to and practise any particular profession or calling to which that Student's programme directly leads.
- 4.2 Such Students may also be subject to the provisions of Chapter 1, paragraph 2.5 of these Regulations.
- 4.3 Where it is suspected that a Student may have committed a criminal offence, regardless of whether or not the incident took place on University property, the Head of Security (or nominated Deputy), after consultation with the designated senior member of Staff, will normally report the matter to the police. In reaching that decision, the University will take into account the opinions of those who might be directly affected but it will not be bound to accede to the wishes of any other person.
- 4.4 Whether or not a Student suspected of committing a criminal offence has been reported to the police (or other relevant authority), the University may deal with any offence against the Disciplinary Code arising out of the same allegations in accordance with the Disciplinary Procedure.
- 4.5 The fact that the Police, Crown Prosecution Service or other relevant authority is unable or unwilling to proceed does not preclude the University from taking its own disciplinary action.
- 4.6 Where a Student is charged with a criminal offence, or has been dealt with by the Police as set out in paragraph 2.3 above, they are required to report the matter formally and immediately to the Head of Security (or nominated Deputy). The matter will then be dealt with in accordance with the Disciplinary Procedure.
- 4.7 In serious cases and in cases where the Student concerned has been suspended from the University under the Disciplinary Procedure the

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

Head of Security (or nominated Deputy) will discuss with the Police, the Crown Prosecution Service or other relevant authority whether in their opinion it would be appropriate for the University to conduct an investigation prior to the completion of criminal proceedings in the Courts.

- 4.8 The decision to proceed with or suspend an investigation shall be made by the Head of Security (or nominated Deputy) after consultation with the Designated Senior Member of Staff.
- 4.9 Notwithstanding the University's right to deal with any offence against the Disciplinary Code, the University may defer action under the Disciplinary Procedure if to proceed might in any way hinder a criminal investigation or prejudice the fair trial of the Student concerned. The decision to defer an investigation shall be made by the Head of Security (or nominated Deputy) after consultation with the relevant external authorities. The University recognises that any offence which may attract a community penalty or custodial sentence should normally be dealt with initially by the courts.
- 4.10 Following a criminal conviction⁴, if it has not already done so, the University may then continue with its own hearing. The court's verdict or the circumstances in which the caution was issued shall be taken into account in so far as they are relevant. The disciplinary hearing shall not become a re-run of a trial. There is no impediment to the imposition of a penalty by the University following a criminal conviction; however, the penalty imposed by the Court or police shall be taken into consideration by the University in deciding its own penalty.
- 4.11 Where the University becomes aware that a Student has been convicted of a criminal offence which is not already subject to a disciplinary investigation, for example an offence which took place off campus which has been reported in the press, the University will take action as follows.
- 4.11.1 Where the Courts have imposed a custodial sentence the Student shall be immediately suspended by the designated senior member of Staff pending a review by the Chair of the Disciplinary Committee of written submissions. The Chair will decide what penalty, if any, is to be imposed, taking into account any written statements in mitigation. Expulsion would be the normal penalty in cases where the Chair believes the offence has rendered the Student unfit to be a member of the University community. Expulsion will be automatically imposed if the

⁴ See definition at Chapter 2, paragraph 2.3 of these Regulations.

Student fails to make written representations within 16 calendar days unless the Chair is satisfied that there are exceptional circumstances why the Student could not respond within the timescales.

- 4.11.2 Where a non-custodial sentence has been imposed following a criminal conviction, the Head of Security (or nominated Deputy) will provide a case report to the Designated Senior Member of Staff. They will decide whether the case should be referred to the relevant Authorised Officer (who would normally give the Student a written warning as to future conduct), or to the Disciplinary Committee, in which case they will consider whether a suspension should also be imposed.
- 4.11.3 Such Students have the usual right of appeal to the Disciplinary Appeals Committee.

Part C: The Disciplinary Code

5. The Disciplinary Code

- 5.1 Breaches of the disciplinary code set out in this Part C (the Disciplinary Code) will be dealt with under the appropriate section of the Disciplinary Procedure depending on whether the University determines them to be of a minor or major nature.
- 5.2 The Disciplinary Code applies when Students are away from the University premises, including (but not limited to) in the following circumstances:
- taking part in University activities related to a course of study e.g. #DMUglobal trips, field trips, placements, study visits;
 - representing the University, e.g. at sporting or cultural events;
 - taking part in voluntary activities recognised by the University e.g. #DMUlocal, Square Mile;
 - using the University's services remotely, e.g. University IT services;
 - using social media (please refer to the [Student Social Media Policy](#));
 - in the community, if misconduct may harm the University community or damage the University's reputation, e.g. antisocial behaviour towards neighbours or in public.

- 5.3 The standard of proof is the balance of probabilities, i.e. that on the basis of the evidence available, then it is more likely that the alleged breach occurred than not. The following shall constitute misconduct under the Disciplinary Code:
- 5.3.1 disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere as detailed in point 5;
 - 5.3.2 obstruction of, or improper interference with, the functions, duties or activities of any Student, employee of the University or any authorised visitor to the University;
 - 5.3.3 abusive, threatening, coercive, manipulative or aggravating behaviour which in the reasonable opinion of the designated senior member of Staff or relevant Authorised Officer constitutes harassment, violent, indecent, disorderly, threatening, abusive or offensive behaviour or language including that relating to protected characteristics (verbal or written – including social media websites) to any Student, employee of the University or the De Montfort Students' Union or any visitor to the University or any member of the local community;
 - 5.3.4 sexual misconduct which includes (but is not limited to) assault, sharing sexual images and making inappropriate and unwanted sexual comments;
 - 5.3.5 fraud, deceit, deception or dishonesty in relation to the University or its Staff or in connection with holding any office in the University or in relation to being a Student of the University;
 - 5.3.6 action likely to cause injury or impair safety on University premises;
 - 5.3.7 behaviour which in the reasonable opinion of the designated senior member of Staff or relevant Authorised Officer is likely to be regarded as discrimination, harassment or victimisation including racial or sexual harassment and harassment on the grounds of disability of any Student, employee of the University or the De Montfort Students' Union or any authorised visitor to the University. In this context harassment means any behaviour or action, spoken or written words, directed at a specific person, or group of people, which is offensive or perceived as offensive;

5.3.8 behaviour which is motivated by hostility or prejudice based on protected characteristics:

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

5.3.8.1. This will be recorded and investigated as a hate incident;

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

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

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

5.3.12 misuse or unauthorised use of the University's intellectual property (including the sale of essays or unauthorised sale of other work produced by a Student as part of their programme with the University⁵);

5.3.13 conduct which constitutes a criminal offence (including conviction for, or being formally charged with, an offence⁶) where that conduct or the offence is such, in the reasonable opinion of the University, as to render the Student unfit to continue as a member of the University community.

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

⁶ See definition at Chapter 2, paragraph 2.3 of these Regulations.

- 5.4 The following are examples of factors which might be taken into account when considering whether conduct covered under 5.3 has rendered a Student unfit to continue in the University:
- 5.4.1 if the offence took place on University premises
 - 5.4.2 if the offence affected or concerned other members of the University community
 - 5.4.3 if the offence damaged the good name of the University
 - 5.4.4 if the offence in itself constitutes misconduct within the terms of this Code
 - 5.4.5 if it is an offence of dishonesty, where the Student holds an office of responsibility in the University
 - 5.4.6 if the offence is such as to render the Student unfit to practise any particular profession or calling to which that Student's programme directly leads
- 5.5 Behaviour which could bring the University into disrepute; this may include the misuse or consumption of alcohol, "legal highs" or other psychoactive substances. This includes any misbehaviour that may occur whilst Students are undertaking overseas travel as part of the #DMUglobal programme of events;
- 5.6 Possession, supply and production (or any attempt to do so) of illegal drugs and/or "legal highs" or other psychoactive substances;
- 5.7 Initiation Ceremonies, and the attributed behaviours, of any kind are forbidden at De Montfort University. In this context, initiations are any activity expected of someone joining or participating in a group that humiliates, degrades, abuses or endangers them, regardless of a person's willingness to participate; for the purpose of gaining formal membership or access to any kind of sports clubs, societies or Students groups; for gaining the award of an emblem or other status with a sports club, society or Student group, or gaining any other status, honour, prestige or notoriety within the sports club, society or Student group. Any Student who is proved to be involved in initiation behaviours, and/or the planning and preparation of an initiation ceremony or who participates in the improper coercion or manipulation of Students, during an initiation ceremony, will be found to be in breach of the University Disciplinary Code, whether under the influence or not of any intoxicating liquids;
- 5.8 Failure by the Student to disclose their name or other relevant details, or to surrender a Student registration card, to an officer, or employee of the

University in circumstances when it is reasonable to require that information be given⁷;

- 5.9 Knowingly allowing the misuse or unauthorised use of a Student ID card by another Student or another person; this may include (but is not limited to) unauthorised entry into the Library or other University facilities;
- 5.10 The card must be produced and surrendered to any member of University Staff and/or a member of security Staff requesting it. Failing to hand over the Student ID card when requested is a disciplinary offence;
- 5.11 All Students (and visitors) must comply with a reasonable request to leave an area, room or building upon the request of a member of security including Building Attendants and Building Wardens;
- 5.12 Failure by the Student under investigation to co-operate with the University, its officers or employees in the investigation of an alleged breach of the Disciplinary Code, and in any subsequent disciplinary proceedings. Any Student who assists, aids or abets the commission of a discipline offence by another or, assists another to avoid or escape detection following the commission of an offence, will be treated as if they have committed the substantive disciplinary offence;
- 5.13 Failure to comply with University instructions, regulations and codes of practice for the use of all University equipment, services, property and facilities such as lifts, telephones, car parks, displays and exhibitions;
- 5.14 Failure to comply with all instructions, regulations and codes of practice in operation at any organisation where the Student may be placed as part of their programme of study;
- 5.15 Failure to comply with terms and conditions set out in a contract for University-managed or nominated accommodation;
- 5.16 Failure to immediately notify the Head of Security (or nominated Deputy) of either a criminal conviction⁸ which has not been spent under the *Rehabilitation of Offenders Act 1974* or any investigation which might lead to a criminal conviction⁹, including being formally charged with such an offence by the police;
- 5.17 Failure to comply with any additional rules, regulations and codes of practice of the University made by the Vice-Chancellor and approved by

⁷ See Chapter 1, paragraph 2.3 of these Regulations.

⁸ See definition at Chapter 2, paragraph 2.3 of these Regulations.

⁹ See also Chapter 1, paragraph 2.5 of these Regulations.

the Board of Governors, including, but not restricted to, in relation to the following:

- Fitness to Practise
- Ethical Approval for research projects
- Freedom of Speech
- Faculties and Departments
- University Student Housing
- Fire and emergencies
- Health and safety
- Libraries and learning spaces
- Licensed bars on University premises
- Smoking
- Computer and other information technology
- Placements
- Illegal drugs or “legal highs”
- Weapons
- Students whose behaviour causes concern

- 5.18 Failure to comply with a penalty previously imposed under the Disciplinary Code by an Authorised Officer or the Disciplinary Committee. Should a matter arise which the Student considers to justify non-compliance or delay in compliance they should immediately inform the Authorised Officer (who will inform the Clerk to the Disciplinary Committee) or the Clerk to the Disciplinary Committee who will report the matter to the Chair of the Disciplinary Committee. The Chair will then decide whether the Student’s reasons are justified. If the Chair decides that the Student’s reasons are not justified they may decide to impose a further penalty or to require the Student to appear in person before the Disciplinary Committee. Deliberate non-compliance with a penalty imposed under the Disciplinary Code renders a Student liable to expulsion from the University;
- 5.19 Where a Student is enrolled on a programme leading directly to a professional qualification or the right to practise a particular profession or calling, any major breach of the Disciplinary Code which might render that Student a person not fit to be admitted to and/or practise that profession or calling. For such breaches a Student shall be referred directly for consideration by the University’s Disciplinary Committee which will have as a member a representative of the relevant practice area or profession to assist the Committee to consider issues of fitness to practise. The constitution and procedures of the Disciplinary

Committee in such circumstances are explained at Chapter 2, Part F of the Regulations¹⁰.

- 5.20 Programme handbooks will provide further information about the standards of behaviour expected of Students training for a particular profession or calling. The University expects such Students to demonstrate high standards of behaviour in their professional and Student lives. It is the Student's responsibility to familiarise themselves with the provision and requirements of professional bodies.
- 5.21 Members of the Students' Union must comply with the following disciplinary rules made by the Students' Union and approved by the Board of Governors. The Students' Union may exercise discipline over its members under such rules as may be made under its Constitution.
- 5.22 Members of the Students' Union must:
 - 5.22.1 comply with the Union Regulations for conduct of elections and meetings.
 - 5.22.2 comply with the Union Financial Regulations and with any decision on the use of Union funds made by a properly constituted body of the Union.
 - 5.22.3 respect the property and services of the Union and comply with the regulations for areas of the University administered by the Students' Union.

Part D: Investigation of Offences

6. Investigation Aims

- 6.1 The University has a responsibility to approach disciplinary offences fairly, following processes that are easy to understand whilst retaining the right to make decisions on the merits of an individual case.
- 6.2 The procedure should give Students and Staff clear information about the process, and how to access advice and support.
- 6.3 The procedure allows the Students to be accompanied by a companion (whose role is set out the Glossary to these Regulations) if required.

¹⁰ Minor breaches of the disciplinary code and other matters of concern for fitness to practise are dealt with under local Faculty procedures and in accordance with the procedure set out in Chapter 2, Annex 8 of these Regulations.

- 6.4 The procedure should be clear and accessible, with access via the website or through programme handbooks.
- 6.5 The procedure should be easy to understand, with clear definitions and timelines.
- 6.6 The procedure should be proportionate with three stages; stage one will comprise an investigation, referral and outcome report. Stage two will comprise an investigation, referral, invitation to panel and outcome and stage three is the Student's right of appeal.
- 6.7 The procedure should be managed in a timely manner wherever practical. (with recognition that Fitness to Practise procedures need to be accommodated for in a timely manner with reference to any time limits imposed by Professional Statutory and Regulatory Bodies).
- 6.8 The procedure should be fair, ensuring that each party has an opportunity to present their case. Staff should be properly trained; this can include but is not exclusive to experience and training undertaken at another educational institution.
- 6.9 The procedure should be independent; free of any mutually agreed conflicts of interest.
- 6.10 The procedure should be conducted in line with the University's duties under GDPR.
- 6.11 At any stage during disciplinary investigations, if deemed appropriate, the Student(s) involved may be asked to sign a '**Non-contact agreement**', which outlines a number of precautionary measures intended to facilitate a full and unhindered investigation, as well as protect the health and wellbeing for all parties involved.

7. **Authorised Officers and the Committee of Authorised Officers**

- 7.1 An Authorised Officer is a member of Staff having responsibility for dealing with minor disciplinary cases. Each Faculty shall have at least one Authorised Officer appointed by the Dean. The Director of Library and Learning Services (or an appointed nominee) shall act as Authorised Officer for minor cases within the University's libraries. At least one further Authorised Officer shall be appointed by the designated senior member of Staff to deal with minor cases within the University's managed or nominated Student housing.
- 7.2 There shall be a Committee of Authorised Officers, chaired by the Designated Senior Member of Staff, and its membership shall be drawn

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

7.3 The Committee is responsible for:

- 7.3.1 co-ordinating the processes associated with Student discipline within the University for the purpose of ensuring consistency of approach to disciplinary matters.
- 7.3.2 considering and recommending to the Academic Board and the Board of Governors, changes to disciplinary regulations and procedures.
- 7.3.3 reviewing the level of authority/powers delegated to individual Authorised Officers (eg the maximum level of sanction which could be applied in cases where there are no specific existing regulations).

8. Authorised Officer Procedures

- 8.1 Breaches of Student discipline may be investigated by the designated Authorised Officer, or the Head of Security (or his nominee), or by a senior member of University Staff such as a Director or Dean in consultation with the Head of Security and the Clerk to the Disciplinary Committee.
- 8.2 The investigating officer (or their nominated representatives) shall carry out a full investigation into the allegation; this may include taking statements from the complainant, the accused Student and any witnesses and discussing the investigation with the accused Student.

9. Informal Investigation

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

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

10. Formal Investigation

- 10.1 Following investigation of an alleged offence the Authorised Officer shall arrange to meet with the Student to discuss the allegations. The Authorised Officer shall give 7 days' notice of the date, time and location of the meeting in writing. The Authorised Officer shall inform the Student in writing of the details of the alleged offence and invite the Student to say whether they admit the offence and whether they wish to offer any comments, including any mitigating circumstances. The Student may choose to offer such comments either in writing or verbally at the meeting with the Authorised Officer.
- 10.2 If the Student fails, without reasonable excuse, to attend the meeting convened by the Authorised Officer, the Authorised Officer may deal with the case in their absence. The Authorised Officer will then advise the Student in writing within 7 days of their decision with regard to the allegations and of any penalty.
- 10.3 The Authorised Officer shall determine the procedure to be adopted in the meeting, depending on the circumstances of the case. The procedure shall accord with common fairness and shall provide for the following:
- 10.3.1 The accused Student has the right to be accompanied by a Student's Companion (whose role is set out in the Glossary to these Regulations). If the Student intends to be accompanied by a Student's companion, they shall inform the Authorised Officer in writing of the name and status of their representative in advance of the meeting.
- 10.3.2 The Authorised Officer shall advise the Student of the evidence relating to the alleged offence and shall ask whether the Student admits or denies the charge.
- 10.3.3 If the Student admits the offence the Authorised Officer shall determine what penalty, if any, to impose, taking account of any statement the Student makes in mitigation.
- 10.3.4 If the Student denies the allegations they have the right to present a defence. They may call witnesses. The Authorised

Officer and/or the investigating officer may ask questions of the Student or of any witness for the clarification of matters of fact.

- 10.3.5 The Authorised Officer and/or the investigating officer may call witnesses to present evidence. The Student has the right to ask questions of the Authorised Officer and/or the investigating officer or of any witness for the clarification of matters of fact.
- 10.3.6 The Authorised Officer may temporarily adjourn the hearing in order to seek further information, evidence or advice. Where possible, at the time of adjournment, the Authorised Officer and the Student shall agree a mutually convenient time for the hearing to be re-convened. Where it is not possible at the time of adjournment to set a time when the hearing shall be re-convened then the hearing shall be re-convened in accordance with section 10.1 above. The Authorised Officer will share any further information, evidence or advice they have obtained with the investigator and the Student at the re-convened hearing and give both an opportunity to question any further information, evidence or advice for the clarification of matters of fact.
- 10.3.7 Having considered the evidence, the Authorised Officer shall advise the Student at the end of the hearing whether the charge is found to be proven or not proven.
- 10.3.8 If the Authorised Officer finds the case proven they may determine what penalty, if any, to impose, taking account of any statement the Student makes in mitigation.
- 10.3.9 However, if the Authorised Officer believes that their powers to deal with the offence under this provision and/or to impose a penalty are not sufficient or the Authorised Officer believes that the offence deserves a penalty other than one of those available to them then they shall refer the case to the Disciplinary Committee. The Authorised Officer may indicate the penalty they believe might be appropriate.
- 10.3.10 The Authorised Officer shall inform the Student of their decision and any penalty they decide to impose at the hearing.
- 10.3.11 Where a Student is enrolled on a programme leading directly to a professional qualification or the right to practise a particular profession or calling the Authorised Officer shall inform the Faculty Fitness to Practise lead of the outcome of the meeting.

- 10.4 A record of both the incident and the penalty shall be retained by the Authorised Officer. The Authorised Officer will formally notify the Student, the Dean of Faculty, the Head of the Academic Support Office and the Head of Security in writing of the outcome of the hearing.
- 10.5 In cases where the charge is not proven, the Authorised Officer shall ensure that documentation in the Faculty relating to the matter is destroyed.
- 10.6 If, in the course of the investigation and the Authorised Officer's hearing, a matter related to the Student's welfare is recognised, then the Authorised Officer may, in lieu of setting a penalty, require a Student to comply with conditions designed to address positively or to resolve the welfare matter. This does not prejudice the Student's right of appeal.
- 10.7 In circumstances where paragraph 10.6 applies, the Authorised Officer may, upon a Student giving a firm undertaking to fulfil a condition or conditions, withhold the imposition of a penalty for so long as the Student fulfils the condition or conditions. Alternatively, the Authorised Officer may waive imposing a penalty upon a Student giving a firm undertaking to fulfil a condition or conditions. This will allow the Authorised Officer to take account of any welfare or pastoral problems being experienced by the Student and to direct the Student to seek appropriate assistance. This may be by arranging an interview with a member of Student and Academic Services Staff who may then refer the Student to appropriate assistance.
- 10.8 Any failure by the Student to fulfil conditions or comply with a penalty imposed by the Authorised Officer shall be treated as a major offence and referred to the Disciplinary Committee.

11. Concluding Investigation

- 11.1 Once the investigation has been concluded, the Authorised Officer shall review the documentation and, taking account of advice from the Clerk to the Disciplinary Committee, shall submit a report with recommended course of action to the Executive Director Student and Academic Services.
- 11.2 The Executive Director Student and Academic Services, will determine whether the offence is minor or major; and the following relevant procedures will commence:
- Part E for Minor offences
 - Part F for Major offences

Part E: Minor offences procedures

12. Minor offences

- 12.1 Minor offences against the regulations relating to the operation of the Students' Union are dealt with by a standing committee of the Union.
- 12.2 Minor offences covered by other regulations (such as the Halls of Residence, Libraries, etc) are dealt with under their local rules, which may allow designated members of Staff to initiate immediate disciplinary action for minor, straightforward cases. Appeals against disciplinary findings and/or penalties under the Disciplinary Code are dealt with in the same way as appeals against Authorised Officers' decisions.
- 12.3 Disputed cases and more serious offences may be referred to the Head of Security or Authorised Officer who will then follow the steps set out in paragraph 10.3.9 above.
- 12.4 All other minor offences are dealt with under the Authorised Officers' Procedures as set out in paragraph 8 of these Disciplinary Procedures.
- 12.5 Minor offences are divided into two categories:
- minor anti-social behaviour (including drunken behaviour), minor damage, minor offensiveness to Staff, disruptive behaviour during programme sessions;
 - any repetition of behaviour already identified to the Student as a minor offence not covered by the Disciplinary Code.
- 12.6 Where the investigation of an apparent minor offence under any University regulations leads to a determination that the offence was a major offence, the matter shall be dealt with under the procedure for major offences under the jurisdiction of the Disciplinary Committee.
- 12.7 Any attempt by a Student to interfere with, harass or otherwise influence in any way any complainant or witness in a minor disciplinary case shall be considered a major disciplinary offence and grounds for immediate transfer of the case to the Disciplinary Committee. Under these circumstances the Authorised Officer shall write formally to the Clerk to the Disciplinary Committee requesting that a hearing of the Disciplinary Committee be convened.

13. Minor Offences Penalties

- 13.1 An Authorised Officer may impose one or more of the penalties set out below:
- 13.1.1 That the Student is prevented from undertaking certain University activities (including the DMU Global programme of events). This penalty will only be imposed after consultation with the Clerk to the Disciplinary Committee and/or Head of Security.
 - 13.1.2 A formal reprimand (verbal warning), confirmed in the form of a written note, which will be kept on the Authorised Officer's file for three full terms. This penalty will be most appropriate in cases which can be resolved relatively informally, where the accused Student admits the charge, expresses genuine regret at having committed the offence and where the complainant is satisfied that the matter has been satisfactorily resolved.
 - 13.1.3 A written warning which will be kept on the Authorised Officer's file and the Students' University record for a period of three full terms.
 - 13.1.4 A requirement that the Student makes an apology to any person or persons named (usually the complainant). This may either be made in writing or verbally, depending on the circumstances of the case, wording to be approved by the Authorised Officer.
- 13.2 Notwithstanding any penalty imposed by the Authorised Officer, the Authorised Officer may also order a Student found to have committed a disciplinary offence to reimburse the University for any costs reasonably incurred by the University in carrying out any necessary repairs or replacing any items requiring replacement arising from any damage caused by the Student or for which the Student is responsible.

14. Appeal against a minor offence decision

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

Part F: Major offences and the Disciplinary Committee

15. Major offences

- 15.1 Major offences include for example (but not limited to):
- 15.1.1 repetition or systematic repetition of minor offences.

- 15.1.2 offences other than academic offences in connection with University assessments.
- 15.1.3 actions and/or omissions in breach of the University's Code of Practice on Freedom of Speech.
- 15.1.4 inciting hatred or discrimination.
- 15.1.5 attempts to influence complainants and/or witnesses in minor or major disciplinary cases.
- 15.1.6 other serious offences e.g. possession of class A drugs, damage to or on University premises, theft, assault.
- 15.1.7 obstructing or harming the operations, safety and discipline of the University.
- 15.1.8 encouraging violence or self-harm.
- 15.2 All major offences are dealt with by the Disciplinary Committee other than those offences committed in connection with University assessments which are dealt with by the Academic Offences Panel or the appropriate Assessment Board. Appeals against a decision of the Disciplinary Committee are dealt with by the Disciplinary Appeals Committee.
- 15.3 The Student's disciplinary record of cases found proven by a Disciplinary Committee may be referred to in any confidential reference which is provided by a member of University Staff.

16. Suspension¹¹

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

¹¹ Please refer to the Glossary for definition.

- 16.3 Only the Designated Senior Member of Staff has the power to immediately suspend a Student from the University or to exclude the Student from particular facilities or activities or to require that the Student have no contact with a named person or persons if there is good and sufficient cause. This may include Students against whom criminal charges are pending or who are the subject of police investigation. The decision of the Designated Senior Member of Staff shall normally be taken following receipt of a report from the Head of Security (or nominated Deputy) or, in matters relating to Fitness to Practise, from the Head of the relevant School.
- 16.4 In particular, the Designated Senior Member of Staff has the authority to Suspend any Student where, in their reasonable view, the Student's continued presence as a member of the University community:
- 16.4.1 represents a threat to the safety or well-being of Students, Staff or visitors to the University, or to colleagues and/or clients where the Student is in practice placement, or
 - 16.4.2 represents a potential hazard in accordance with the University's policies on health and safety, or
 - 16.4.3 would be prejudicial to the Student's best interests, safety or well-being, or
 - 16.4.4 would jeopardise a full and proper investigation being carried out by either the police or a university investigator, or
 - 16.4.5 would disrupt or interfere with the academic, administrative or other activities of the University, or
 - 16.4.6 is liable to bring the University into disrepute.
- 16.5 The Suspension shall be reviewed every 4 weeks (or earlier if new evidence becomes available) by the Designated Senior Member of Staff who may confirm, revoke or vary the suspension in the light of any developments or of any representations made by the Student or anyone on their behalf.
- 16.6 If the Suspension is for more than 14 working days' duration, after this time, the Suspended Student has the right of appeal, through written representation, to the Vice-Chancellor.
- 16.7 Any further appeals to the Vice-Chancellor will only be considered if new supporting evidence becomes available and is provided by the Student.

17. The Disciplinary Committee

17.1 The Disciplinary Committee consists of:

- the Deputy Vice-Chancellor, or
- a member of the Executive Board, or a Dean or a Deputy Dean (who shall act as the Chair); and
- an Authorised Officer; and
- A member of the Students' Union Executive Committee.

17.2 In cases where the Student is enrolled on a programme leading directly to a professional qualification or the right to practise a particular profession or calling, a member of the relevant practice area or profession will act as an additional member of the Disciplinary Committee and provide an opinion on the accused Student's suitability for admission to and/or to practise the profession or calling to which the Student's programme directly leads in light of the evidence presented to the Disciplinary Committee.

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

18. The Disciplinary Committee hearing

18.1 The Head of Security or other investigating officer¹² shall lodge a formal written complaint with the Clerk to the Disciplinary Committee immediately on completion of a disciplinary investigation in cases where the Student might be required to appear before the Disciplinary Committee.

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

18.3 If the Student denies the offence, or if the Chair of the Disciplinary Committee believes that a hearing should be convened in the case of a Student who admits the offence, the Clerk to the Disciplinary Committee shall arrange a hearing of the Disciplinary Committee. The accused

¹² See Chapter 2, paragraph 6.1 of these Regulations.

Student and the University's representative for the complainant (usually the Head of Security or nominee) will be given notice in writing of the hearing date, the charge and statements and the members of the Disciplinary Committee who will attend the hearing. Due notice of the hearing date will be deemed to have been given 2 working days from the date when a letter of notification was sent to the Student's last recorded address, or from the date notification was sent securely using an encrypted and password protected document to the Students University email and any personal email addresses provided by the Student. The Student will be given not less than 16 calendar days' notice of the date of the hearing.

- 18.4 If the date of the hearing is too soon to allow a Student's companion to attend, the Student may request a new suitable date to be set.
- 18.5 If the Student fails, without reasonable excuse, to attend the hearing, the Disciplinary Committee will deal with the case in their absence.
- 18.6 In the case of a complaint concerning a Student's conduct in relation to their suitability for admission to and/or to practise a profession or calling, the Clerk to the Disciplinary Committee may seek, through the Dean of Faculty, a written opinion on the severity of the alleged offence from a relevant external practice area or professional body, before the hearing. Such written opinion shall be presented to the accused Student before any disciplinary hearing and taken into account by the Disciplinary Committee in deciding whether the charge is or is not proven and imposing any penalty.
- 18.7 If the Student wishes to object to any member of the Disciplinary Committee, the Student shall submit their objections in writing including the grounds for the objection, to be received by the Clerk to the Disciplinary Committee at least 7 days before the hearing. If the grounds are upheld, an alternative member of the Disciplinary Committee will be identified.
- 18.8 The procedure adopted by the Disciplinary Committee shall provide for the following:
 - 18.8.1 The accused Student has the right to appear, be heard, to call witnesses and to question the complainant (for the clarification of matters of fact). Such questioning should be addressed through the Committee Chair.
 - 18.8.2 The Student has the right to be accompanied by a Student's companion (whose role is set out the Glossary to these

Regulations). If the Student wishes to exercise the right to have a Student's companion present, then they shall inform the Clerk to the Disciplinary Committee in writing at least 7 days before the hearing.

- 18.8.3 If the Student wishes to call witnesses it is their responsibility to make arrangements for their attendance at the hearing. The Student must inform the Clerk to the Disciplinary Committee in writing of the names of witnesses they will be calling at least 7 days before the hearing. If they do not do so, the University's representative for the complainant (usually the Head of Security or nominee) may request that the hearing is adjourned.
- 18.8.4 The University's representative for the complainant (usually the Head of Security or nominee) has the right to appear, be heard, to call witnesses and to question the Student for the clarification of matters of fact. Such questioning should be addressed through the Committee Chair. The complainant will be given the opportunity to submit an impact statement or other evidence, but is not required to appear in person.
- 18.8.5 The Disciplinary Committee has the right to question the University's representative for the complainant (usually the Head of Security or nominee), the accused Student and their respective witnesses and representatives.
- 18.8.6 The Disciplinary Committee has the discretion to limit the number of witnesses, and control and limit questioning to matters which are strictly relevant or to adjourn the hearing.
- 18.8.7 The Committee will retire to decide, on the balance of probability, whether the charge is or is not proven and any penalty and will reconvene on the same day and inform the Student, giving their reasons. No later than 5 working days after the hearing, the Clerk to the Disciplinary Committee will confirm to the Student in writing the outcome and the reasons for the Committee's decision.
- 18.9 Subject to the Student's right of appeal, the Clerk to the Disciplinary Committee will inform the appropriate members of Senior Staff of the Committee's decision. If a Student is to be expelled from the University the Clerk to the Disciplinary Committee will issue the notification of Expulsion. Copies of the notification shall be sent to the appropriate Dean of Faculty, the Executive Director of Student and Academic Services and other relevant senior members of Staff.

19. Penalties

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

19.2 Some **examples** of penalties are:

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

19.2.2 Suspension for up to a year¹³.

19.2.3 Exclusion from University-managed accommodation.

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

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

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

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

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

- Reimburse the University for any costs incurred in hearing a case, for example, costs of obtaining a memorandum of conviction;
- Reimburse the University for any costs reasonably incurred by the University in carrying out any necessary repairs or replacements

¹³ Please refer to the Glossary for definition.

arising from any damage caused by the Student or for which the Student is responsible;

- make an apology to any named person or persons, either in writing or verbally depending on the circumstances of the case, wording to be approved by the Chair of the Disciplinary Committee;

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

19.5 The Disciplinary Committee may, upon a Student giving a firm undertaking to fulfil a condition or conditions, suspend the imposition of a penalty for so long as the Student fulfils the condition or conditions. This will allow the Disciplinary Committee to take account of any welfare or pastoral problems being experienced by the Student and to direct the Student to seek appropriate assistance. This may be by arranging an interview with a member of Student and Academic Services Staff who may then refer the Student to appropriate assistance. Any failure by the Student to fulfil such condition(s) shall be treated as a major offence and referred to the Disciplinary Committee.

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

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

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

- 19.8.1 the Student's conduct would not render them unfit for admission to and/or to practise a profession or calling to which the new programme directly leads;

- 19.8.2 the Student meets the normal entry requirements for the new programme and/or meets any other appropriate academic requirements for entry to the new programme;
- 19.8.3 there is a place available on the new programme; and
- 19.8.4 the Student is accepted as a suitable candidate by the Faculty for the new programme.
- 19.9 Where such a case is found not proven or, for an exceptional reason the Disciplinary Committee believes the Student should be allowed to continue on their programme, the University will make reasonable endeavours to find a suitable practice or professional placement to enable the Student to complete their qualification where satisfactory completion of a professional placement is a requirement.
- 19.10 However, it should be noted that the University cannot compel practice or placement providers to take Students who they believe are not suitable. If the University acting reasonably cannot find a suitable placement the Student will not be able to continue on their programme. The Student will therefore be permitted to transfer to another programme within the University provided the conditions in 19.6 to 19.9 are met.
- 19.11 The University will where possible share relevant investigation findings, the reasoned determination and relevant sanctions with the complainant and witnesses. 'Relevant' investigation findings and sanctions are those which have a direct impact on the complainant or witness.

20. Appeal against a decision of the Disciplinary Committee

- 20.1 A Student has the right of appeal against the decision of the Disciplinary Committee on certain grounds only. The grounds for appeal and the appeal process are explained in Part G below.
- 20.2 An appeal panel will review the original outcome and penalty(ies) imposed to ensure process was followed and the outcome appropriate to the case. They will not re-hear a case.

Part G: Appeals against a disciplinary decision

21. A Student's right of appeal

- 21.1 Subject to paragraph 23 a Student has the right of appeal to the Disciplinary Appeals Committee against:
- an Authorised Officer's decision;

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

22. The Disciplinary Appeals Committee

22.1 Subject to paragraph 22.2, the Disciplinary Appeals Committee consists of:

22.1.1 a member of the Board of Governors who shall be the Chair;

22.1.2 another external Governor or recently retired Governor; and

22.1.3 a Designated Senior Member of Staff.

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

22.2 In cases where the Student is enrolled on a programme leading directly to a professional qualification or the right to practice a particular profession or calling, a member of the relevant practice area or profession will act as an additional member of the Disciplinary Appeals Committee and provide an opinion on the accused Student's suitability to practise the profession or calling to which the Student's programme directly leads in light of the evidence presented to the Disciplinary Appeals Committee.

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

23. Grounds for appeal

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

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

23.1.2 The Disciplinary Committee, Authorised Officer or Faculty fitness to practise investigation did not comply with their stated procedures.

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

24. The Disciplinary Appeals Committee's procedures

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

24.2 In the event of an appeal, the decision of the Disciplinary Committee (or Authorised Officer or Faculty fitness to practise investigation) will not be carried out until the appeals process is concluded.

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

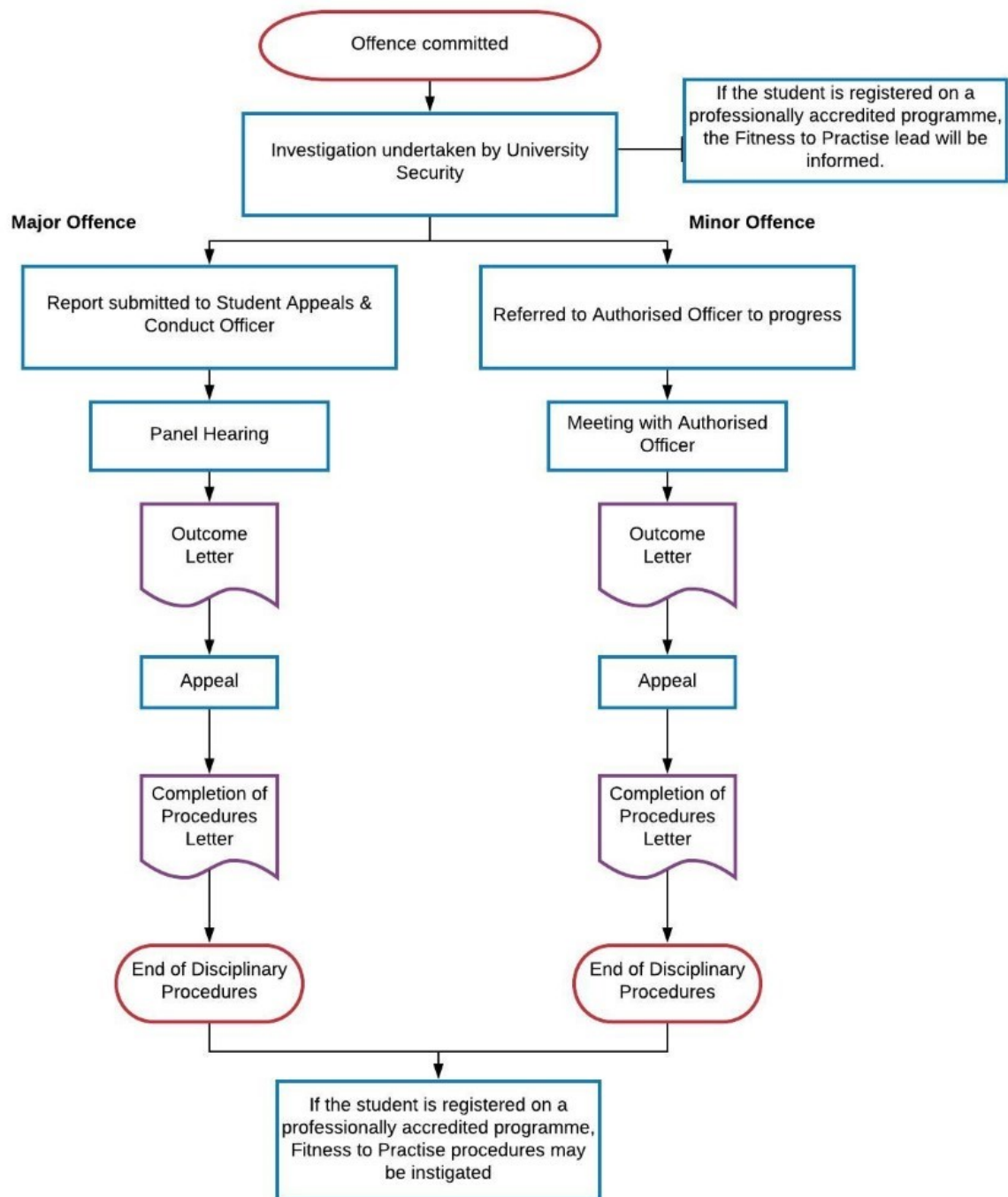
24.4 If the Chair directs that an appeal should be heard, the Clerk to the Disciplinary Appeals Committee shall arrange a hearing of the Committee.

24.5 The appellant Student and the University's representative for the complainant (usually the Head of Security or nominee) will be given notice in writing of the hearing and the members of the Disciplinary Appeals Committee. Due notice of the hearing date will be deemed to have been given 2 working days from the date when a letter of notification was sent to the Student's last recorded address. The appellant Student will be given, not less than 16 days' notice of the date of the hearing.

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

- 24.7 If the appellant Student wishes to object to any member of the Disciplinary Appeals Committee, the Student shall submit their objections in writing including the grounds for the objection to be received by the Clerk to the Disciplinary Appeals Committee at least 7 days before the hearing. If the grounds are upheld, an alternative member of the Disciplinary Appeals Committee will be identified
- 24.8 The procedure adopted by the Disciplinary Appeals Committee shall provide for the following:
- 24.8.1 The appellant has the right to appear and be heard and to be accompanied by a Student's companion (whose role is set out in the Glossary to these Regulations).
- 24.8.2 The University's representative for the complainant (usually the Head of Security or nominee) has the right to appear and be heard and to be accompanied by a Student's companion (whose role is set out the Glossary to these Regulations).
- 24.8.3 The Disciplinary Appeals Committee has the right to call witnesses, examine any documentation it considers necessary and question the complainant and appellant.
- 24.8.4 The Disciplinary Appeals Committee may set aside, vary or confirm the Disciplinary Committee's (or Authorised Officer's or Panel's) findings and/or may set aside, vary (including increasing) or confirm the penalty imposed.
- 24.8.5 The Disciplinary Appeals Committee shall inform the appropriate members of Senior Staff and the Chair of the Disciplinary Committee of its decision.
- 24.9 The Disciplinary Appeals Committee may suspend any penalty for a given period of time and may set terms for the suspension of the penalty.
- 24.10 The decision of the Disciplinary Appeals Committee is final and not subject to review by any other University panel.
- 24.11 The outcome of the Disciplinary Appeals Committee will be communicated to the appellant Student through a Completion of Procedures Letter no later than 31 working days from the date of the offence, subject to change as a result of events outside of the University's control.

Annex 1 - Process of disciplinary procedure



Annex 2 - Recommended Timeline

Stage	Details	Recommended Timeline **
1	Notification of breach received by the University	
2	University Security inform Head of Student Appeals & Conduct, and Fitness to Practise Lead (if applicable)	24 hours
3	Investigation conducted by University Security with Student statement taken and those of any other witness/es	10 working days
4	Investigation report forwarded to Head of Student Appeals & Conduct for consideration	
5	Decision determining whether minor or major offence, to move to stage 6 or stage 7 made by Executive Director, of Student and Academic Services (or designate)	3 working days
6	Minor Offence – case moves to stage 13	
7	Major Offence – case moves to stage 8	
8	Invitation to Panel Hearing	
9	Major Offence Panel Hearing – requirement for University to give 10 days' notice to Student	28 working days
10	Major offence - outcome report issued with details of penalties	31 working days from notification of breach
11	Major offence – Right of Appeal	
12	Major offence - Completion of Procedures Letter	
	Major offence – End of Process	
13	Minor offence - Outcome report issued with details of penalties	15 working days from notification of breach
14	Minor offence – Right of Appeal	
15	Minor offence – Completion of Procedures Letter	
	Minor offence – End of Process	

****Recommended timeline**

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

Annex 3

Procedures for the investigation of serious disciplinary offences and any subsequent disciplinary action for parts of the University based overseas or associate/franchise colleges based overseas

- 1** This procedure is to be used where it appears that a serious offence has been committed by any Student of the University studying either at a part of the University based overseas or any overseas associate/franchise college.
- 2** The categories of offences are set out Chapter 2 of these Regulations
- 3** Minor offences should be dealt with under the Minor Offences procedure (in Chapter 2 of the Regulations) if the Student is studying at a part of the University based overseas; and by the local college regulations if the Student is studying at an associate/franchise college overseas.
- 4** The 'how' and 'who' should carry out the 'administration' of the disciplinary exercise; the letters to the Student convening the hearing, the notes of the hearing itself and the communication of the outcome/penalty to the Student are matters best left to each individual location to manage within its own administration. It is vital however that the record of the hearing is taken by someone who is clearly quite 'separate' from the University's investigation.
- 5** When an allegation is made or an apparent disciplinary breach is found, a member of Staff in the location shall be charged with conducting a formal investigation into the allegation.
- 6** The member of Staff selected to conduct the investigation must be a senior member of Staff who does not have an academic relationship with the Student (i.e. they are not involved in the teaching or assessment of the Student). Wherever possible the same member of Staff will conduct all investigations at that location.
- 7** The investigation will be carried out under the advice/guidance of the University's Head of Security, based in the UK.
- 8** Having completed the investigation, the member of Staff concerned will forward a report to the designated senior member of Staff, the Executive Director Student and Academic Services (or designate) as set out in the

Process in Annex 1 of these Regulations who will review the report and determine whether a Student should be subject to disciplinary action.

- 9** If it is decided that disciplinary action should be taken then the designated senior member of Staff (or their nominee) will instruct the investigating member of Staff to bring the charge formally against the Student.
- 10** A hearing shall then be convened in accordance with the procedure set out in the Regulations (the Student will be informed in writing according to the set timescales, providing them with copies of evidence, advising them of witnesses to be called and their rights of representation and requiring them to disclose their evidence, name of witnesses and so forth).
- 11** In lieu of the University Disciplinary Committee, a Disciplinary Panel shall be convened at the location with delegated powers to hear the case and determine whether the charge is proven or not. The panel shall comprise two individuals of high standing who are independent/external to the University (e.g. British Council members). Where practicable and appropriate, if there is a democratically convened Student association which has an elected “head”, this person may also be asked to serve as a third member of the panel.
- 12** The panel shall meet and conduct a hearing in accordance with the procedure set out in these Regulations. A record will be taken of the proceedings.
- 13** A copy of the record of the proceedings and the conclusion of the panel (as to whether the charge was proven or not) and the panel’s reasons for reaching their conclusion will be forwarded to the designated senior member of Staff.
- 14** The designated senior member of Staff (or their nominee) will determine the penalty, having liaised with the Chair of the University Disciplinary Committee, in accordance with normal University practice. They will inform the investigating member of Staff at the location of the decision. The Student will then be informed in writing of the decision and any penalty.
- 15** Advice on any aspect of the operation/administration of this procedure can be sought from the Student Appeals and Conduct Officer.

Annex 4

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

- 1 The University wants Students to make best use of the Information Technology (IT) facilities it provides to support their learning and research. To do this the regulations below have been produced which cover the use of IT equipment, facilities and networks by members of De Montfort University.
- 2 In addition, Students should be familiar with the following regulations, guidelines and codes of practice for IT use available in campus libraries, campus offices and on the University Internet pages.
 - De Montfort University Principal Information Security Policy
 - De Montfort University Code of Conduct
 - De Montfort University Use of Information Systems Policy
 - De Montfort University Network Management Policy
 - Janet acceptable use guidelines.
- 3 Any breach of the regulations, guidelines and/or codes of practice set out in point 2 above will be treated as a disciplinary offence.
- 4 The University retains the right to monitor all systems and networks used within or attached to the organisation or used on University premises.
- 5 **Computer and communication systems**
 - 5.1 Students are only permitted to use University computing or communication systems or software for the purposes specified in their programme of study or research.
 - 5.2 Without the specific and written agreement of the University, Students are not allowed to use University equipment, software or facilities for:
 - 5.2.1 Consultancy or any other services leading to commercial exploitation of a product for personal gain
 - 5.2.2 Work of significant benefit to a third party, including a Student's employer, whether permanent or for an industrial placement
 - 5.2.3 The distribution or acquisition of software, data, documentation or media to or from any third party or parties
 - 5.2.4 To gain access without permission and/or illegally to other systems either within the University or elsewhere

- 5.3 Students must take due care not to introduce computer viruses onto any of De Montfort University's computer systems. Anti-virus software, where provided by the University, must be used to screen any external software, data or other electronic communication or any media transfer
- 5.4 No computing or communication equipment, data, documentation or software may be borrowed, removed or modified without the written agreement of the University section or department responsible
- 5.5 The use of computing and communications facilities is subject to the provision of several legal Acts including the Data Protection Act, the Copyright, Designs and Patent Act, and the Computer Misuse Act. Offences against these and any other or subsequent legislation currently in force may be reported to the appropriate authorities for further investigation and possible prosecution

6 Software

- 6.1 Students will respect and fulfil the statutory and legal obligations pertaining to all University software, whether purchased, leased or otherwise obtained from a third party, or generated by any member(s) of Staff or Student(s) of the University.
- 6.2 Unless specifically stated otherwise, it will be assumed that the use of any software is restricted by copyright legislation making it an offence to:
 - 6.2.1 Copy any software, data, documentation or media produced by a third party without their explicit permission to do so
 - 6.2.2 Export software, data, documentation or media to any other computer system, whether or not that system belongs to De Montfort University
 - 6.2.3 Modify any software, data, documentation or media produced by a third party without their express permission to do so
 - 6.2.4 Install or download software, data, documentation or media onto any systems of De Montfort University without the explicit permission or instruction from the University Staff responsible for the system
 - 6.2.5 To reverse engineer or decompile any third-party software, unless this is specifically permitted in the licence agreement or their permission has been obtained so to do

7 Audible devices

- 7.1 Students are required to ensure that all audible devices (such as mobile phones, tablets or laptops) are turned off or switched to silent at all times when their use would be disruptive to the academic or administrative processes of the University.
- 7.2 Such devices must therefore be silenced, for example, during lectures, seminars, tutorials, laboratory classes, assessments and during registration. They must also be silenced in all areas set aside for research or study (e.g. libraries) and in areas set aside for Student administration such as enquiries and loan administration. They must also be silenced in the vicinity of such areas where required. Any official notices indicating that these devices must be turned off in a particular location must be complied with.
- 7.3 Any breach of this regulation will be dealt with as a minor offence, and any repetition will be dealt with as a major offence, under the provisions of the Disciplinary Procedure, except that non-compliance with this regulation in an examination will be regarded as an academic offence and will be dealt with under Chapter 4 of these regulations.

Annex 5

Student placements

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

Provision for temporary withdrawal from placement

- 1** The Programme Leader or Faculty Authorised Officer may require a Student to withdraw temporarily from a placement if, in the view of the Programme Leader or Faculty Authorised Officer there is good and sufficient cause to do so. The Programme Leader or Faculty Authorised Officer shall, when requiring the Student to withdraw, provide a brief written statement outlining the reasons for the withdrawal. The withdrawal shall take place with immediate effect and shall be for no more than 7 days.
- 2** The Programme Leader or Faculty Authorised Officer shall provide a full report of any such withdrawal to the Head of School and the designated senior member of Staff as soon as possible and within 24 hours unless reasonably prevented from so doing.
- 3** The Student shall have the right to make written representations to the designated senior member of Staff provided that those representations are received by the designated senior member of Staff within 4 days of the temporary withdrawal.
- 4** Within 7 days of the temporary withdrawal, the designated senior member of Staff (or their nominee) shall, after making such investigation as they see fit and considering any representations which may have been made, make a decision to Suspend the Student from placement or to take such other action under their general powers as they may decide, including discharging the temporary withdrawal.
- 5** The Suspension shall be reviewed every 4 weeks by the designated senior member of Staff who may confirm, revoke or vary the Suspension in the light of any developments or of any representations made by the Student or anyone on their behalf. If the Suspension is for more than 14 days' duration, the Suspended Student has the right of appeal, through written representation, to the Vice-Chancellor.
- 6** Notwithstanding the order of Suspension, the University shall not be prevented from taking disciplinary or Fitness to Practise action against the Student.

Annex 6

Policy and guidelines on the misuse of illegal drugs and/or “legal highs”

1 Policy statement

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

2 Disciplinary issues

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

3 Reporting suspected drug use

Details of any suspected illegal drug use must be reported to the Head of Security so that, if appropriate, the matter may be referred to the Police for investigation¹.

4 Students in private accommodation

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

¹ See Chapter 2, paragraph 4 of these Regulations.

Annex 7

Weapons policy and practice

1 Weapons policy

- 1.1 Students or Staff of the University or their guests must not keep or use guns, firearms, ammunition, knives, catapults or other offensive weapons on University premises except for authorised purposes. For the purpose of this policy, any offensive weapon is one intended or adapted to cause injury.
- 1.2 Craft knives and sharp instruments for the authorised creation of coursework are permitted to be carried in accordance with the guidelines set out in paragraph 4.
- 1.3 Bladed articles carried for religious purposes are permitted in accordance with the guidelines set out in paragraph 6.
- 1.4 Bows and arrows used for archery are dealt with separately by this policy.
- 1.5 Students are not permitted to use firearms or other weapons as set out at 1.1 on University premises other than for authorised purposes.

2 Legislation and good practice

- 2.1 Staff and Students who use firearms for authorised purposes must be familiar with the relevant legislation as it relates to their practice, eg:
 - The Firearms Act 1968
 - The Criminal Justice Act 1988
 - The Crossbow Act 1987
 - The Offensive Weapons Act 1966
 - And all other related legislation.
- 2.2 Weapons of any kind may be used for authorised purposes only when an approved instructor, firearms co-ordinator or firearms officer is present.
- 2.3 It shall be the responsibility of an individual to promptly inform the University's Head of Security (or nominee) if the Police withdraw a shotgun certificate or firearms certificate or similar licence, if that individual is holding or using firearms for authorised purposes on University premises. The University will require all Students using firearms for authorised purposes to sign an agreement that they are prepared to be vetted by the University in liaison with the local Police to establish whether or not they are a prohibited person by virtue of the Firearms Act. Failure to sign this agreement debars a Student from using a firearm on University property. The University expects that the Students will comply with all storage requirements set by the Police/University when firearms are held on

University premises. Students will comply with all storage requirements set by the Police/University when firearms are held on University premises.

3 Appeals

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

4 Craft use

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

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

5 Sporting and recreational use

- 5.1 Staff and Students of the University who use firearms for sporting or recreational purposes off campus (e.g. a gun club) are required to keep their firearms at a secure and approved venue which is off University premises.

6 Religious symbols

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

7 Sporting equipment, such as Archery and Fencing

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

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

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

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

9 Exemptions

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

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

10 Replica weapons

- 10.1 A Student may be permitted to possess and use replica firearms or other imitation weapons on University premises in connection with their course of study, for example for the purposes of a dramatic performance or piece of artwork, provided they have written permission from their Faculty Dean obtained at least 7 days in advance. The Dean will, in deciding whether to grant permission or to set certain conditions or limitations on the use of such weapons, consult with the Head of Security. In any event, a copy of the Dean's written permission must be lodged with the Head of Security at least 7 days before the weapon is brought onto University premises.
- 10.2 The granting of such permission does not remove from the Student any criminal implications in relation to the possession of replica firearms or other imitation weapons in a public place.

Annex 8

Fitness to Practise Procedures

1 Introduction

- 1.1 The University expects all Students enrolled on a programme leading directly to a professional qualification or the right to practise a particular profession or calling to demonstrate high standards of behaviour in their professional and Student lives. In certain Health and Social Care subject areas Students are expected at all times to demonstrate that they are trustworthy and of good character and in good health so that they can practise safely.
- 1.2 Programme handbooks will provide further information about the standards of behaviour expected of Students training for a particular profession. It is the Student's responsibility to familiarise themselves with the provisions and requirements of the relevant professional body.
- 1.3 Students on such courses whose behaviour and/or health raises any other concerns about their fitness to practise are subject to the Faculty Fitness to Practise procedures.
- 1.4 A Student subject to such procedures may be accompanied at all meetings by a Student's Companion (as defined in the Glossary to these regulations) regulations)
- 1.5 The Fitness to Practise Procedure can be found here:
<https://www.dmu.ac.uk/documents/dmu-Students/the-Student-gateway/academic-services/2020-hls-fitness-to-practice-procedure.pdf>

2 Suspension from theory and/or practice

- 2.1 In cases where it is believed that there is good and sufficient cause to remove a Student from placement, the procedure set out in Chapter 2, Annex 5 of these Regulations shall be followed.
- 2.2 In cases where it is believed that there is good and sufficient cause to Suspend a Student from attending theory classes or from the University or other facilities and activities, the procedure set out in Chapter 2, paragraph 16 of these Regulations shall be followed.

- 2.3 In both cases, if the Suspension is for more than working 14 days' duration, after this time the Suspended Student has the right of appeal, through written representation, to the Vice-Chancellor.

3 Dismissal from a programme of study

- 3.1 Where it is proven that a Student has acted in such a way as to render them unfit to practise the profession to which that Student's programme directly leads, the Student will not be permitted to continue on that programme. In such cases the University reserves the right to inform the relevant professional or regulatory body of the outcome and the reasons for the Fitness to Practise Committee's decision.
- 3.2 Students who are dismissed from their programme as unfit to practise will not be permitted to re-register onto the programme from which they have been dismissed. The University reserves the right to decline applications to other programmes leading to:
- registration with a professional body
 - to a professional qualification
 - or the right to practise a particular profession when the Student has previously been dismissed from their programme as unfit to practise
- 3.3 The University has a statutory duty to refer a Student to the Independent Safeguarding Authority, the Disclosure and Barring Service and other relevant external stakeholders where that Student has been dismissed from training because their behaviour is believed to pose a risk of harm to children and/or other vulnerable people. Only the designated senior member of Staff may make such a referral on the recommendation of the Fitness to Practise Committee.
- 3.4 A Student whose registration with the University has ended due to fitness to practise will not be permitted to re-apply for entry to the University within two years and would not normally be admitted onto an accredited programme; [please see academic regulations on our website](#).
- 3.5 The Student will be permitted to transfer to another programme within the University provided that:
- the Student meets the required entry requirements for the new programme;
 - there is a place available on the new programme; and
 - the Student is accepted as a suitable candidate by the new programme's owning faculty.

Annex 9 Policy on Dignity and Respect (Students)

1 Scope and Purpose of the Policy

- 1.1 This policy relates to all Students of DMU. Every Student is personally liable under the Equality Act 2010 and is expected to treat Staff and Students with dignity and respect and in turn to be treated with the same. DMU has a firm commitment to equality and diversity and will not tolerate the discrimination, harassment, bullying or victimisation of any member of the DMU community by another.
- 1.2 The purpose of this policy is to promote the development of a working environment in which these actions are known to be unacceptable and where individuals have the confidence to report these, should they arise, in the knowledge that their concerns will be dealt with appropriately and fairly. The policy outlines procedures to be followed if a Student or prospective Student feels they are being discriminated against, harassed, bullied or victimised during their engagement with DMU.
- 1.3 A separate policy on Dignity at Work exists for Staff and advice on this may be obtained from the People and Organisational Development Directorate.
- 1.4 All Students are reminded of the relevant clauses in the Disciplinary Code within Chapter 2 of the Student Regulations, in particular paragraph 5.3.3:

Abusive, threatening, coercive, manipulative or aggravating behaviour which in the reasonable opinion of the designated senior member of Staff or relevant Authorised Officer constitutes harassment, violent, indecent, disorderly, threatening, abusive or offensive behaviour or language including that relating to protected characteristics (verbal or written – including social media websites) to any Student, employee of the University or the De Montfort Students' Union or any visitor to the University or any member of the local community.

2 Definitions

- 2.1 The Equality Act 2010 identifies nine protected characteristics. These are:
 - age
 - disability
 - gender reassignment
 - marriage and civil partnership
 - pregnancy and maternity
 - race
 - religion or belief
 - sex
 - sexual orientation

2.2 **Unlawful discrimination** is behaviour or a policy or procedure which intentionally or unintentionally has the effect of treating individuals or groups who have a protected characteristic less favourably than other groups. This may include selection for a course, job, promotion, award and so on. For example:

- A Student is excluded from a course related visit or placement because they have a disability.
- A Student is told to leave her course because she is pregnant.
- Students or Staff are compulsorily segregated, for meetings or events, on the basis of their religion, sex, sexual orientation or other protected characteristics.

2.3 **Harassment** is unwanted conduct that has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for the complainant, or violating the complainant's dignity. Individuals or groups may be protected from harassment because they are from a protected group (Equality Act 2010), or because they are associated with the protected group. For example:

- Unwanted conduct of a sexual nature (sexual harassment).
- Treating a person less favourably than another person because they have been subjected to sexual harassment or harassment related to sex, sexual orientation or gender reassignment.
- Treating someone less favourably because they associate with gay, lesbian, bisexual or transgendered people.
- Treating someone less favourably because they hold or are perceived to hold a particular religion or belief.

2.4 **Sexual harassment** is when someone behaves in a way which makes you or others feel distressed, intimidated or offended and the behaviour is of a sexual nature. Behaviour that does not involve physical contact is sexual harassment. If contact or violence is involved the offence becomes sexual assault or violence. The main factor in incidences of sexual harassment and violence is a lack of active consent.

2.5 Examples might include:

- Sexual comments or jokes.
- Displaying pictures, photos or drawings of a sexual nature.
- Sending emails or other form of electronic communication with a sexual content.

- Physical behaviour (but which stops short of contact) including unwelcome sexual advances and stalking.
- Continued advancements or repeated unwanted invitations to social activities.

- 2.6 **Domestic abuse and coercive or controlling behaviour** is defined as any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those who are, or have been, intimate partners or family members regardless of gender or sexuality. This can include, but is not limited to, psychological, physical, sexual, financial and/or emotional abuse.
- 2.7 **Complicity** is any act that knowingly helps, promotes, or encourages any form of hate, bullying or harassment by another individual.
- 2.8 **Retaliation** may constitute any words or actions, including intimidation, threats, or coercion, made in response to disclosures or reports made under this Policy, by any individual including both the Responding Party and the Reporting Party, as well as witnesses, friends, or relatives.
- 2.9 **Vexatious reporting** involves the creation of persistent, unwarranted reports made under this Policy, or a refusal to accept any reasonable decisions arising from the application of the accompanying procedures to this Policy.
- 2.10 **Malicious reporting** occurs when an individual shares allegation of breaching dignity and respect that the individual knows to lack a basis in fact.
- 2.11 **Bullying** may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.
- 2.12 Bullying can take the form of shouting, sarcasm, derogatory remarks concerning academic or practical vocational performance or constant criticism and undermining. Bullying can be distinguished from vigorous academic debate or the actions of a tutor or supervisor making reasonable (but perhaps unpopular) requests or analysis of performance of their Students. This will be determined by the Designated Senior Member of Staff.
- 2.13 **Victimisation** takes place where one person treats another less favourably because they have asserted their legal rights in line with the Equality Act or helped someone else to do so. For example:

- A Student alleges that they have encountered racism from a tutor, and as a result they are ignored by other Staff members.
- A Student who previously supported another Student or member of Staff in submitting a formal complaint for sexist behaviour is then treated in a hostile manner by Staff.
- Staff brand a Student as a 'troublemaker' because they raised a lack of opportunities for disabled Students as being potentially discriminatory.

2.14 **Cyber bullying** occurs when the internet, social media, phones or other devices are used to send or post text or images intended to hurt or embarrass another person, known or unknown to the individual.

2.15 The University recognises that there are potentially additional types of behaviour that will constitute a breach of this Policy and which will therefore need to be considered under the relevant internal disciplinary regulations.

3 DMU's Commitment

- 3.1 DMU is a diverse community and believes that every Student has a right to work and study in an environment which encourages good relationships. DMU is committed to deterring hate, discrimination, harassment, bullying or victimisation. The University's commitment to cultural diversity is expressed in its mission and vision statements.
- 3.2 DMU works with the Hate Crime Officer of the Leicestershire Constabulary.
- 3.3 DMU Security take all incidents of hate, discrimination, bullying, harassment and victimisation very seriously and will record such reports and investigate as appropriate.
- 3.4 The Student at Risk Committee (SAR) within Student and Academic Services (SAAS) sits regularly to review cases of Students deemed to be at risk to themselves or of posing a risk to others.
- 3.5 Every Student is also personally liable under the Equality Act 2010 for their own actions. In cases of unlawful hate, discrimination, harassment, bullying, or victimisation the University is required to consider Students as third-party players. DMU is required to protect its Staff, Students, Staff, contractors and visitors from unlawful hate, discrimination, harassment, bullying or victimisation. Students who are found to have committed these

offences will be referred to the University's disciplinary policies and procedures.

- 3.6 DMU will endeavour to ensure that any Student raising a genuine concern under this policy is not victimised as a result. The University cannot guarantee the behaviour of another person, but will commit to not victimise and will take action if victimisation occurs.
- 3.7 As allegations of hate, discrimination, harassment, bullying and victimisation are very serious, DMU will also treat very seriously any such allegations proven to be malicious or untrue and these are also likely to be the subject of disciplinary action.

4 Reporting and Responding

- 4.1 The over-riding principles in dealing with allegations or concerns of hate, discrimination, harassment, bullying and victimisation are that they must be taken seriously, considered carefully and addressed speedily and where possible, in confidence.
- 4.2 Any Student who feels that they are the subject of hate, discrimination, harassment, bullying or victimisation, either by a fellow Student, a member of Staff or anyone else with whom they come into contact in the course of their period of study at DMU, may wish to make a note of incidents, dates, times and any witnesses, for future reference. Any Student who considers themselves to have been the subject of hate, discrimination, harassment, bullying or victimisation has the right to be listened to, to be given informed advice on how the matter may be resolved, and to be given support to do so.
- 4.3 In the event that a Student considers that they are experiencing hate, discrimination, harassment, bullying or victimisation, they have a number of options open to them. They can disclose or make a report to The No Space for Hate Project, in the first instance, or a member of Staff who can follow the referral process online.
- 4.4 The member of Staff will follow appropriate processes, signposting the Student to the appropriate University response service; The Mandala Project or the No Space for Hate Project, or another University service, as appropriate and if necessary.
- 4.5 Incidents of hate, discrimination, bullying, harassment or victimisation may also be reported, out of hours, directly to:

- The Security Team. The team is available 24 hours a day and can be telephoned on 0116 2577642 or email in strict confidence security@dmu.ac.uk.
- 4.6 A disclosure involves an individual choosing to tell anyone who is part of the University community about their experience of hate, discrimination, bullying or harassment.
 - 4.7 A report is the official sharing of information with a Staff member of the University regarding an incident of hate, discrimination, bullying or harassment experienced by that individual, for the purposes of initiating an investigation process by the University.
 - 4.8 Personal information shared during such a disclosure will be handled in line with the University's responsibilities under the appropriate data protection legislation, including the General Data Protection Regulation and Data Protection Act 2018 and any subsequent legislation.
 - 4.9 Any investigation undertaken by the University will be on the 'Balance of Probabilities' and is conducted as a separate process to the University Complaints Procedure as defined in the Glossary to these Regulations.
 - 4.10 The Student may also make a report to the Police, whose investigation would take precedent over internal processes. A risk assessment will be made by the University Security Team who will determine whether intermediate action is required whilst the police investigate.

5 Investigating a Formal Report

- 5.1 On receipt of a formal report, where the alleged perpetrator is another student, the Student Appeals and Conduct Officer (or nominee) and the Head of Security (or nominee) will process the case according to DMU's Disciplinary Code and Procedure as described in the General Regulations.
- 5.2 Where the alleged perpetrator is a member of Staff, the Student Appeals and Conduct Officer (or nominee) will refer the case to the University's People and Organisational Development Directorate to conduct a further investigation.
- 5.3 Formal reports about a Dean, Pro Vice Chancellor, or Chief Operating Officer to the Vice Chancellor should be referred to the Vice Chancellor. A report about the Vice Chancellor should be addressed to the Chair of Governors.

- 5.4 Formal reports about a Director should be made to the Executive Director of People and Organisational Development. A complaint about the Executive Director of People and Organisational Development should be made to the Chief Operating Officer.
- 5.5 Further information about types of behaviour that would contravene the Dignity and Respect policy, and University Disciplinary Code can be found in the Sexual Misconduct Policy and the No Space for Hate Policy.

6 Monitoring of the Policy

- 6.1 The Executive Director of Student and Academic Services will keep the implementation of this policy under review and will monitor its use through the Academic Support Office.

7 Personal Relationships at Work

- 7.1 DMU also has a Code of Conduct on personal relationships at work, which applies in circumstances where personal and professional relationships overlap. [The Code can be found on the People and Organisational Development website](#)

8 Use of DMU Computers/computational devices and ID

- 8.1 Hate, discrimination, harassment, bullying or victimisation may occur online and could be considered as misuse of DMU's computing services where this takes place using a DMU email account or from a DMU-provided piece of equipment or network. This includes potentially discriminative or offensive material posted on public access websites or social networking sites. Online harassment and bullying (cyber bullying) will be dealt with under the procedures outlined above. As well as infringing the DMU Policy on Dignity and Respect, such abuse of DMU facilities will also breach the University's IT Regulations and may be subject to disciplinary procedure. The IT Regulations may be found on the DMU website. Also see the University's Student Social Media Policy found here: <https://www.dmu.ac.uk/documents/dmu-students/academic-support-office/student-social-media-policy-2019.pdf>.

Chapter 3 Support to Study

- 1 The procedures set out in this Chapter 3 may take precedence over other processes and procedures e.g. attendance management, and may be used in conjunction with another process.
 - 1.1 Students may ask the Office of the Independent Adjudicator for Higher Education (OIA) to review decisions taken by the University pursuant to this Chapter 3 but **only after the University's procedures have been exhausted**. Information on the OIA scheme can be found at <http://www.oiahe.org.uk>.

Part A: Introduction, framework and terms of reference.

2 Introduction

- 2.1 The University welcomes a diverse Student body, both as an educational resource for all and as an intrinsic part of the overall learning experience. This includes Students with temporary or long-term medical conditions who wish to fulfil their intellectual potential and progress their career prospects through their chosen programme of study.
- 2.2 The University has statutory obligations under Equality Legislation, to make reasonable adjustments for Students who have a disability. This includes specific learning differences; some mental health conditions, and some chronic health conditions.
- 2.3 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 academic community.
- 2.4 The University recognises that a Student may demonstrate behaviour which causes concern for their own wellbeing or the wellbeing of the wider University community. Such behaviour may be attributed to, for example, a medical condition, mental illness or taking (or failing to take) prescribed medication. The Student may benefit from the University's direct intervention and support. These provisions are intended to provide a framework to help the Student out of their difficulties while protecting the Student, the public and the work of the University. Intervention under these provisions may also be appropriate in the case of a student who fails to recognise that they are suffering from a communicable disease and/or fails to notify the University of their condition as soon as it is practicable to do so.

- 2.5 This Chapter outlines the policy, procedures and support available to both Students and Staff when a Student becomes unwell and/or presents a risk to self and/or others. It is not intended to give guidance on wider matters relating to Students with mental health needs but is intended to ensure a consistent and sensitive approach to managing specific situations which become problematic.
- 2.6 This procedure is owned by the Welfare department, who will ensure process is followed in accordance with the regulations.
- 2.7 The University has a duty of care to respond appropriately where it becomes aware of issues relating to Students showing visible signs of illness, mental health difficulties, psychological, personality or emotional disorders which have a detrimental impact on the functioning of the Student and/or other members of the University community. This may arise where, for example, the University is concerned that:
- 2.7.1 a Student's ability to study is neither manageable nor achievable in relation to specific tasks and/or activities.
 - 2.7.2 a Student's behaviour poses a risk to their own health, safety and/or wellbeing and/or that of other persons.
 - 2.7.3 the Student's behaviour is, or is at risk of, negatively affecting the teaching, learning and/or experience of other Students.
 - 2.7.4 the Student's behaviour is, or is at risk of, negatively affecting the day-to-day activities of the University and/or a placement provider.
- 2.8 Subject always to paragraph 2.9 of this Chapter 3, the University reserves the right to invoke where appropriate procedures under other Chapters of the Regulations, including in cases where behaviour which causes concern is in contravention of The Disciplinary Code (see Chapter 2 of these Regulations). If a Student fails to co-operate at any stage in the procedures set out in this Chapter 3 this may result in the Student being referred to the disciplinary procedure.
- 2.9 The purpose of this policy is to support Students and Staff to manage interventions appropriately, that is:
- 2.9.1 to identify the appropriate response by academic and support service Staff in the circumstances where it is not considered appropriate to apply disciplinary procedures, in particular, because the Student's behaviour should be managed rather than punished;

- 2.9.2 to provide a non-judgmental, consistent, sensitive and coordinated approach to the management of a situation where it is apparent that a Student's mental and/or physical functioning may prevent them from gaining benefit from the educational and social provision at a particular time, or is adversely affecting the Student experience of others, or has extended beyond the pastoral support that exists within the academic units and where Fitness to Practice/Disciplinary procedures are not applicable or appropriate;
- 2.9.4 to enable Staff to identify the limits to the support which they can provide and the appropriateness of referring the Student onto other agencies;
- 2.9.5 to signpost areas of support for Staff; and
- 2.9.6 to identify and implement reasonable adjustments where appropriate.

3 The procedure

- 3.1 The procedure set out in this Chapter 3 can be initiated at any stage dependent on level of concern.
 - 3.1.1 The case may be referred to the University's legal team at any stage to ensure compliance.
 - 3.1.2 Medical evidence may be requested.
 - 3.1.3 At each stage of the procedure, the Student should be encouraged to be present. However, if the Student fails to attend a meeting despite all reasonable attempts by the University to accommodate their attendance, the meeting will take place in the absence of the Student. Any written submissions by the Student or in exceptional circumstances a third-party representative, will be considered at the meeting. Written submissions should be made to the Welfare Lead (or nominee), who will chair the meeting.
- 3.2 The procedure has 3 stages based on the degree of concern and/or the perceived seriousness of the situation. (See Appendix 1)
 - 3.2.1 **Stage 1** Emerging Concern; currently managed by the University's existing mechanisms of support which may include but are not limited to interventions by the Student at Risk

Committee, Disability Advice and Support (DAS), The Student Welfare Service or the Student's Personal Tutor.

3.2.2 **Stage 2** Enhanced Concern; where the Student's behaviour is having a significant impact on the Student's own wellbeing and/or the wider University community.

3.2.3 **Stage 3** Serious Concern; where there remains significant concern, or a pattern of behaviour which continues after intervention at Stage 2 has been completed.

3.3 Any use of these procedures must be in accordance with the data protection requirements specified in section 4.

4 Data Protection Issues

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

4.2 Under data protection legislation, all data relating to a person's physical or mental health is regarded as special category data. There are more protections and privacy rights regarding special category data as defined in 4.4 below.

4.3 For electronic communications, including email and cookies, the University complies with the Privacy and Electronic Communications Regulations (PECR).

4.4 The University will process all personal information in accordance with data protection legislation and its Data Protection Policy. Specifically, any processing of personal data must be lawful, fair and transparent, with the minimum amount of personal data used, and kept for the minimum amount of time necessary, always kept secure and confidential, and reasonably kept accurate.

4.5 Subject to paragraph 4.6 below, in cases where, in the member of Staff's judgement, it would be in a Student's best interests to disclose sensitive information including special category data (e.g. so that appropriate support may be provided) the Student will be notified in writing, and given a reasonable opportunity to explicitly consent to the disclosure, specifying any conditions to be placed on the disclosure or other processing of the data. It is the responsibility of the person passing on the information to ensure it is done under any terms agreed with the Student. If consent is

not provided, then the information will not be disclosed other than in circumstances covered under sections 4.6 and 4.7.

- 4.6 Wherever consent is the lawful process for processing personal data, or explicit consent for processing special category personal data, any processing must stop if this consent is withdrawn.
- 4.7 If the Student chooses not to explicitly consent, this decision will be respected where possible. In these circumstances, the implications of non-disclosure in terms of additional support should be made clear. However, there may be occasions when the Student's consent has either been withheld or not explicitly given, but disclosure will be made nevertheless. The decision to disclose in these circumstances will be taken only after consultation with the Information Governance Team. Examples of such circumstances are when in the University's reasonable opinion:
 - 4.7.1 the Student's mental health has deteriorated to the extent of threatening their personal safety.
 - 4.7.2 the Student is at risk of serious abuse or exploitation.
 - 4.7.3 the Student's behaviour is adversely affecting the rights and safety of others.
 - 4.7.4 the member of Staff would be liable to civil or criminal procedure if the information were not disclosed (e.g. if a crime had been committed).
 - 4.7.5 the Student is either under 18 years or a vulnerable adult (see [University Safeguarding Policy](#)).
- 4.8 Under data protection legislation, special category data can only be processed if a specific lawful basis exists. The lawful bases below are relevant.
 - 4.8.1 Article 9 (2) (a) Explicit consent which should be unambiguous and freely given and should be recorded in writing.
 - 4.8.2 Article 9(2) (c) processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent (Note in this sense vital interests refers to a life or death situation).

4.8.3 Article (9) (g) processing is necessary for reasons of substantial public interest. This needs to tally with a specific condition within the Data Protection Act 2018. Relevant conditions are:

4.8.4 Preventing or detecting unlawful acts.

4.8.5 Safeguarding of children and of individuals at risk.

4.9 Staff should first consult with Head of Student Welfare if they believe there is a need to break the commitment to confidentiality

4.10 All procedures covered by this chapter are carried out in accordance with the data protection requirements outlined above.

5 Support

5.1 During all stages of the procedure, Students may seek support and be accompanied by a Student's Companion (whose role is set out in the Glossary to these Regulations.)

5.2 The role of the Student's Companion is not to offer formal representation, but to offer support and advice to the Student.

Part B: Invoking the procedure

6 Stage 1: Emerging Concerns

6.1 In situations where a Student's behaviour or wellbeing causes concern but does not present an immediate crisis e.g. on-going depression, anxiety, eating disorder, initial support should be provided and the Student's behaviour monitored through the faculty in consultation with the Welfare Support Services. The Student may be signposted to additional University support services or, if appropriate, to community-based services.

6.2 In cases of emergency situations e.g. immediate intent to seriously self-harm, commit suicide or to harm others, Staff must always call 999.

5. Stage 2: Enhanced Concerns

7.1 If the situation being monitored at Stage 1 escalates, for example:

7.1.1 complaints from other Students regarding behaviour

7.1.2 a significant concern for academic achievement

7.1.3 the Student refuses to access support

- 7.1.4 the Student begins to exhibit behaviour that is causing significant concern
- 7.1.5 repeated missed appointments
- 7.1.6 disengaging with study
- 7.1.7 social withdrawal

the Student At Risk Committee should be informed as soon as possible.

- 7.2 A case review discussion will be convened, as per Annex 1 of this chapter, to include the Student (and the Student's companion where applicable), Welfare Lead or nominated officer (Chair), and a maximum of two members of Staff which may include the following as appropriate: Associate Professor Student Experience (or elected nominee), Personal Tutor, Faculty Engagement Officer and serviced by the Academic Support Office.
- 7.3 The Student will be notified 10 working days prior to the date of the case review discussion. If the Student fails to attend a meeting despite all reasonable attempts by the University to accommodate their attendance, the meeting will take place in the absence of the Student. Any written submissions by the Student will be considered at the meeting.
- 7.4 The case review discussion will address any concerns that are raised and mitigating circumstances, as per Annex 1 of this chapter. It could also include the following:
 - 7.4.1 Outline the expectations of the University.
 - 7.4.2 Details of any risk assessment undertaken.
 - 7.4.3 Examine supporting evidence from Welfare Services.
 - 7.4.4 Examine academic progress reports and attendance record.
 - 7.4.5 Consider whether the Fitness to Practice policy is required to be invoked (if applicable).
 - 7.4.6 Review the Student statement and or any evidence submitted by the student.
 - 7.4.7 Discuss with the Student possible outcomes and expectations.

8 Outcomes

- 8.1 As a result of the meeting the following are **examples** of outcomes that may be reached (if the Student is not present at the meeting, all outcomes will be communicated in writing):
 - 8.1.1 An action plan to be reviewed at agreed points for a maximum of six months.

- 8.1.2 A recommendation for the Student to interrupt or withdraw from their programme (subject to requirements under the [Academic Regulations.](#))
- 8.1.3 Recommendation to change registration terms i.e. to part time or distance learning, subject to the terms of accreditation for that programme.
- 8.1.4 Transfer to a shadow/alternative course (subject to the [University's Admissions Policy](#) and [Academic Regulations](#) and with the permission of the Faculty)
- 8.2 The outcome of the discussion and action plan, if applicable, will be confirmed to the Student in writing within five working days of the case review panel meeting.
- 8.3 The Welfare Team will keep a central record of notes of the meeting, all referrals, action and developments in the case and relevant colleagues will be updated on a 'need to know' basis, via the Faculty Engagement Officer.
- 8.4 Where necessary and appropriate, Student Support Services will also offer support to those Students and Staff who may be affected by any incident or on-going situation e.g. in Student accommodation.
- 8.5 A decision will be made by the relevant academic lead, with advice from Head of Student Welfare, as to whether the Student's nominated emergency contact should be informed in extreme circumstances. Such decision-making needs to be guided by the University's Duty of Care policy and data protection legislation
- 8.6 Where appropriate, there will be contact with the Accommodation Team and the Security Office, particularly if the Student, or others living close to the Student, may need to be moved to alternative accommodation.
- 8.7 Where a Student is registered on a programme leading directly to a professional qualification or the right to practise a particular profession or calling, the Faculty Fitness to Practise Lead will be informed that this procedure has been invoked.
- 8.8 If a Student elects to interrupt their studies for a period of time as agreed at the case review panel meeting, Welfare and Support services will advise the Student with regard to financial implications, accommodation and any other welfare issues as appropriate.

9 Return to Study

- 9.1 Following a period of absence from the University for recuperation or treatment, it may be appropriate for the Student to return to resume studies. 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, on their return to the University.
- 9.2 The University may require the Student to produce to a nominated person from Welfare Support Services, appropriate confirmation from a medical or health professional of their health and ability to resume studying. The Welfare Support Services will support the Student to access an appropriate referral from an external third party if required. Evidence from medically qualified family or friends will not be accepted unless they are officially treating the Student.
- 9.3 The Faculty Engagement Officer, working in partnership with relevant University Staff (from Faculty, Security and Welfare) will conduct a review of the documentary evidence of the Student's mental and/or physical wellbeing and contextualise such evidence within the demands of the course. The Student will be informed of the outcome of the review.
- 9.4 The Student has the right to appeal the decision of the case review panel, in line with Part C of this Chapter.
- 9.5 Consideration of the duration of any interruption will include:
 - 9.5.1 the most appropriate time for the Student to return to study,
 - 9.5.2 the altered structure of the programme of study; and
 - 9.5.3 the ability of student support services to support the Student.
- 9.6 Any interruption will be subject to the University's period of registration as defined in the [Academic Regulations](#).
- 9.7 Welfare Services will provide assistance with drawing up a 'Return to Study Plan' in consultation with the Student and the Faculty Lead. The Plan will address and include:
 - 9.7.1 the specific study-related support needs of the Student in returning to education;
 - 9.7.2 the support which is reasonably required in the short term;
 - 9.7.3 the involvement of and liaison with external agencies;

- 9.7.4 any longer-term support or adjustments that are reasonably required and any conditions that might or will apply to provision;
- 9.7.5 a risk management plan that takes account of the experiences that led to the student initially interrupting their studies and any other information that is known to be relevant.
- 9.8 Any return to study will be subject to the Student's co-operation with this process and full adherence to the Return to Study Plan.
- 9.9 Other members of staff within Student Services will be available to provide advice and support 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 with the direct involvement of, or in consultation with Student Welfare Services.

10 Stage 3: Serious Concerns

- 10.1 Where there remains significant concern, or a pattern of behavior continues after intervention at Stage 2 has been completed —the Student Welfare Service will recommend that Stage 3 of the procedure is invoked and a Support to Study Panel will be convened.
- 10.2 The Support to Study Panel shall consist of:
 - Pro Vice Chancellor, Dean or Deputy Dean of Faculty (or nominee) (Chair),
 - Head of Student Welfare (or nominee),
 - Faculty Lead (from Associate Dean Academic, University Senior Tutor or nominee)
 - Representative of the DSU Executive Committee.
 - The Student may be accompanied by a Student's companion and will be recommended to seek advice from the Student's Union.
 - The Clerk to the Committee, or nominee, will take notes.
- 10.3 The Student shall be notified within 14 working days of the hearing. If the Student fails to attend a meeting despite all reasonable attempts by the University to accommodate their attendance, the meeting will take place in the absence of the Student. Any written submissions by the Student will be considered.
- 10.4 The Support to Study Panel shall:
 - 10.4.1 consider a summary of the current situation from a nominated member of the welfare team.

- 10.4.2 consider representations made by the Student.
- 10.4.3 identify achievements made from previous action plans.
- 10.4.4 consider relevant University regulations.
- 10.4.5 consider any further medical evidence or welfare reports.
- 10.4.6 consider the consequences of failing to complete the agreed actions.

11 Outcomes

- 11.1 The Support to Study Panel shall have discretion to make any decision appropriate to the circumstances and consistent with ensuring the safety and wellbeing of the Student, other members of the University and the public. Where possible the decision should be made with the Student's agreement.
- 11.2 As a result of the hearing the following are examples of outcomes that may be reached:
 - 11.2.1 Recommendation for further support and Return to Study Plan to be reviewed at agreed points for a maximum of three months.
 - 11.2.2 Recommend, but not impose, an interruption of registration for a defined period of time or withdrawal.
 - 11.2.3 Recommendation that the Student's behaviour is dealt with through the disciplinary process in line with chapter 2, Part C of these Regulations.
- 11.3 The outcome of the hearing will be confirmed to the Student in writing within five working days of the hearing taking place. Minutes will be taken and kept in the central record by the Student Welfare Service.

Part C: Right to Appeal

12 A Student's right of appeal

- 12.1 The Student has the right to appeal the decision of the Support to Study Panel and should do so by writing to the Clerk to the Committee by email to the acasupportffice@dmu.ac.uk within ten working days of notification of the outcome of the panel hearing.

13 The Support to Study Appeal Panel

- 13.1 The Support to Study Appeal Panel consists of a Governor (Chair), Welfare Adviser, Senior Member of Staff.
- 13.2 No person who has been previously consulted or involved in the case shall be part of the Support to Study Appeal Panel.

14 Grounds for appeal

- 14.1 Students may request an appeal against a decision of the Support to Study Panel on the following grounds only:
 - 14.1.1 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; and/or
 - 14.1.2 that the Panel did not comply with its own procedures as set out above.
- 14.2 The Chair of the Support to Study Appeal Panel may decline the request for an appeal without bringing the matter to the Support to Study Appeal Panel 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.
- 14.3 In the event that a request to appeal is granted, the decision of the Support to Study Panel will not be carried out until the appeal process is concluded.
- 14.4 If the Chair directs that an appeal should be heard, the Clerk to the Support to Study Appeal Panel shall arrange a hearing of the Panel.
- 14.5 The Support to Study Appeal Panel will normally hear the appeal within 10 working days of the receipt of the Student's request to appeal.
- 14.6 If the Student fails, without reasonable excuse, to attend the appeal hearing, the appeal shall be deemed to have been withdrawn. However, if the Student provides valid reasons in advance for being unable to attend, consideration will be given to rescheduling the meeting if practical to do so.

14.7 The following people will normally be present at the hearing:

- the Student making the appeal;
- a Student's companion if the Student so wishes;
- the Appeal Secretary, as note-taker;
- a representative of the Support to Study Panel who will present the University's case.

14.8 All those present must at all times treat all evidence as confidential.

15 Appeal Outcomes

15.1 The Support to Study Appeal Panel may:

- 15.1.1 allow the Student's appeal and agree to implement the outcome the Student is seeking.
- 15.1.2 allow the Student's appeal and offer an alternative outcome.
- 15.1.3 dismiss the appeal, in which case the original decision will stand.

15.2 The Appeal Secretary will prepare a written outcome and minutes of the Support to Study Appeal Panel's decision. Normally within 5 working days of the meeting, the following will occur:

- 15.2.1 the outcome and minutes will be sent to the Chair of the Appeal Panel and the Student.
- 15.2.2 the outcome will be sent to the Faculty Engagement Officer or nominee.
- 15.2.3 other Staff will be given such information as is necessary to implement an alternative outcome if that was the decision of the Appeal Panel.

15.3 External Review - Office of the Independent Adjudicator for Higher Education:

- 15.3.1 A Completion of Procedures (CoP) letter will be sent to the Student which explains that the University's internal procedure for appeals has been completed. The CoP letter should be sent to the Student normally within one calendar month if the decision of the Support to Study Appeal Panel was that the appeal was dismissed.
- 15.3.2 If the appeal was allowed wholly or in part, a CoP letter will not be sent unless the Student requests a CoP letter within one calendar month of the date of Support to Study Appeal Panel's decision.

Part D: Exceptional Interventions

16 Risk

- 16.1 When a Student exhibits behaviour that puts themselves or others at immediate risk a temporary suspension from campus or specified areas may be imposed, or a practice suspension may be imposed for programmes that require Students to undertake professional placements.

17 Failure to engage

- 17.1 Failure unreasonably to engage with the procedures set out in this Chapter 3 at any stage may result in a referral to the Executive Director of Student & Academic Services to initiate the disciplinary procedure (in line with General Regulations Chapter 2 Paragraph 5.14).

18 Return to Study

- 18.1 See the provision detailed in this Section 9 of this chapter.

Annex 1 – Recommended Timeline

Stage	Details	Timeline (all days are working days)
1	Referral from SAR/ Faculty/ Academic/ Security to Welfare lead	
	Support offered	Ongoing
2	Referral to Welfare Case Lead	
	Meeting with Faculty ADA/APSE/other for information gathering.	5 days from point of referral
	Review by University Legal Team (if required)	7 days from point of referral
	Convene Case Review Discussion Team	21 days from point of referral
	Notice to Student	10 days
	Stage 2 action plan created for the Student and/or	5 days
	Voluntary Interruption	For period to be agreed up to 1 year (to be reviewed before re-registration)
	Review of action plan	Weekly/ biweekly/ monthly as agreed for a fixed period of time up to six months.
3	Referral to Welfare Case Lead	
	Convene Support to Student Panel	21 days from point of referral
	Notice to Student	14 days
	Stage 2 action plan created for the Student or	7 days
	Suspension or	For a period up to 1 year (to be reviewed before re-registration)
	Letter of withdrawal to be received by the Student	5 days
	Review of action plan	Weekly/ biweekly/ monthly as agreed for a fixed period of time up to six months.
4	Appeal by the Student	Within 10 days of notification of outcome
	Convene Support to Study Appeal Panel	14 days from point of appeal
	Notice to Student	5 days
	Final outcome and CoP to Student	5 days

Annex 2

Signs which may cause Staff to consider engaging a Student with the Support to Study Procedure.

(This list is not exhaustive)

- Lack of engagement with study (poor attendance, lack of communication with Staff, non-submission of assessments);
- Poor or declining academic performance;
- Behaviour or disposition which may indicate a Student needs additional support, such as:
- Mood swings or unusual behaviour (e.g. aggressive, withdrawn, distressed, irritable);
- Apparent signs of ill health (e.g. dramatic weight loss or gain, ongoing lack of personal hygiene and care);
- Withdrawal from social, cultural or sporting activities once considered important;
- Lethargy or signs of lack of sleep;
- Obvious signs of substance/ alcohol misuse;
- Information about specific episodes (e.g. self-harm/suicidal thoughts or attempts);
- Inappropriate behaviour (e.g. inappropriate touching, invading personal space, excessive, unexpected and prolonged laughter, uncharacteristically bad language such as swearing);
- Disruption to the teaching and learning activities of other Students, including placements;
- Unreasonable demands being placed on Staff or other Students;
- Persistent behaviour which is unacceptable;
- Self-referral where the Student advises a member of the University of difficulties they are experiencing;
- Concerns emerge through a third party outside the University;

AND it seems likely or possible that the above signs are caused by a physical, mental or emotional issue.

Note:

The above concerns could also be an indication of a Student being at risk e.g. PREVENT and other statutory bodies may be involved.

Chapter 4 Academic offences and bad academic practice

1 Introduction

- 1.1 Students are expected to write assessments in their own words and to reference the sources they use in accordance with the conventions of their discipline. There are occasional exceptions where the exact words from existing sources need to be used in an assignment, including the use of direct quotations. However, Students should note that using the work of others word for word in any work submitted for assessment should be done sparingly and in accordance with De Montfort University referencing conventions.
- 1.2 Students who feel that they need assistance in writing appropriate English to help them avoid accidentally committing an academic offence should, in the first instance, seek guidance from their Module Leader or Supervisor. Further information and guidance can be accessed via the Library pages on the University's website.
- 1.3 Students who the University has found to have engaged in bad academic practice or to have committed an academic offence, may ask the Office of the Independent Adjudicator for Higher Education (OIA) to review their case but only after the University's procedure has been exhausted. Information on the OIA scheme can be found at <http://www.oiahe.org.uk>.
- 1.4 In any case where a Student is accused of bad academic practice or of having committed an academic offence (and in either case whether acting alone or in conjunction with one or more other people) the burden of proving that the accusation has been established is the balance of probabilities (more likely than not). For both bad academic practice or an academic offence, the University must prove both that the factual allegations have been established and that in carrying out the acts complained of the accused person has done so intentionally.

2 Definitions

2.1 Bad academic practice

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

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

2.3 Cheating in examinations

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

- Deliberately acquire advance knowledge of the detailed content of the examination.
- Copy from the examination script of another candidate.
- Allow another candidate to copy from his or her examination script.
- Provide information to another candidate in an examination.
- Communicate (or attempt to communicate) with another candidate in an examination.
- Obtain any other assistance from another candidate.
- Use or have access to unauthorised material (as defined in 2.5 below).
- Impersonate another examination candidate or allow themselves to be impersonated.
- Have access to an electronic communication device during campus-based examinations.
- Refuse to comply with a reasonable request made by a member of University Staff where they suspect an incidence of cheating.
- Collude with others via social media to gain an unfair advantage, e.g. in the case of online examinations.
- Do any other thing with the intention of gaining unfair advantage over other candidates.

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

2.5 Unauthorised material

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

2.6 It shall be an offence for a candidate to use or have access to unauthorised material at any time while the examination is in progress. The definition of 'access' includes material on the candidate's person or on or by their examination desk.

2.7 Plagiarism

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

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

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

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

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

2.12 Fabrication of results
It is an academic offence for a candidate to claim to have carried out experiments, observations, interviews or any form of research, which they have not, in fact, carried out.

2.13 Collusion

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

2.14 Repeated bad academic practice

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

2.15 Re-use of assessed material

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

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

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

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

3.1.1 Bad academic practice

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

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

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

3.2.1 Cheating in examinations

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

3.2.2 Plagiarism, fabrication of results, collusion, reuse of assessed material, and other academic offences other than bad academic practice

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

3.2.3 Any Student has the right to draw the attention of an Academic Practice Officer to any suspicions of an academic offence.

3.3 Actions taken by the Academic Practice Officer

3.3.1 Consultation with the Executive Director of Student and Academic Services

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

3.3.2 Departmental Hearing

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

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

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

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

- 3.3.6 After considering any representations from the Student, including any evidence in mitigation, the Academic Practice Officer will decide whether there may be any substance to the allegations. The Academic Practice Officer can decide:
- to take no further action if they believe there is no case to answer
 - to take action in accordance with the options given in the bad academic practice and academic offences tariff (Annex 1 to this Chapter)
 - to refer the case to the Academic Offences Panel as a major offence (see 3.4 below)
- 3.3.7 In addition to any action taken by the Academic Practice Officer in accordance with the relevant tariff, the piece of work in question will be awarded a mark, normally by the Module Leader, for consideration by the relevant assessment board. This mark will reflect the degree to which the work is impaired by bad academic practice or an academic offence and will normally be determined on those elements of the work, which are not impaired by bad academic practice or an academic offence. Alternatively, and in exceptional circumstances only, the Module Leader may require the work to be resubmitted.
- 3.3.8 In all cases the Academic Practice Officer will record the decision and inform the Executive Director of Student and Academic Services (or appointed nominee) of the outcome.
- 3.3.9 Standard penalties
Provided the Student admits the academic offence or bad academic practice, shows contrition and is not currently under investigation for another academic offence and provided the offence is minor, the matter will be dealt with in accordance with the tariffs set out in Annex 1 to this Chapter.
- 3.3.10 In cases where a Student has clearly exercised considerable ingenuity and forethought in the commission of the academic offence, the Academic Practice Officer may refer the case to an Academic Offences Panel even if it is the Student's first academic offence. This may also be the case if there is evidence of (or suspicion of) collusion between Students in relation to cheating during an examination.
- 3.3.11 Any cases where a standard penalty has been imposed must be reported to the Assessment Board within ten working days following the meeting. A formal note and a copy of the written warning will also be placed on the Student's file.

- 3.3.12 If the Student has been failed in the work or module, then the assessment board shall determine whether they have the right to be reassessed in that work or module, subject to the University's normal re-assessment regulations and any specific subject, programme or module regulations.
- 3.3.13 All re-assessments require that the Student has sufficient re-assessment credits remaining. If the Student has insufficient reassessment credits remaining then the marks presented to the assessment board shall stand and an appropriate decision made.
- 3.4 Student's right of appeal against a Decision of an Academic Practice Officer
 - 3.4.1 If a Student believes that an Academic Practice Officer's decision was not reached in accordance with the procedures described in these regulations, then the Student may present their case, giving reasons, to the Executive Director of Student and Academic Services (or appointed nominee) in writing within 10 working days of the date on which the Academic Practice Officer notified the decision to the Student.
 - 3.4.2 On receipt of such written representation the Executive Director or nominee will review the action taken by the Academic Practice Officer. If there are good grounds for the appeal, the Executive Director will appoint two Academic Practice officers from outside the Student's Faculty to consider the case. The decision of the Executive Director of Student and Academic Services (or appointed nominee) shall be final and not subject to review by any other University body.
- 3.5 Referral to Academic Offences Panel
 - 3.5.1 Cases involving Students on taught programmes must be referred to the Academic Offences Panel, where appropriate, in accordance with the guidance given in the tariffs at Annex 1 to this Chapter.
 - 3.5.2 If there is any doubt, the matter must be referred to the Academic Offences Panel.
 - 3.5.3 If the Academic Practice Officer decides to refer the case to the Panel, the Panel shall consider the case and shall be responsible for determining whether, and the degree to which, the allegations have been substantiated.
 - 3.5.4 If the matter is referred to the Academic Offences Panel, the Academic Practice Officer shall provide the Panel with the Academic Services, supervisor's, tutor's or examiner's original report and any other information or observations which the Academic Practice Officer wishes the Panel to consider. The

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

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

- 4.1 In the case of a research Student, when a supervisor or examiner suspects either bad academic practice or an academic offence the matter shall be reported to the Faculty Head of Research Students (FHRS) or nominated deputy.
- 4.2 Where it is suspected that work submitted by a research Student is not their own (including drafts and work in progress), the FHRS will require the Student to attend a meeting to discuss the allegation. During the hearing an oral examination may be undertaken to establish whether the Student's familiarity with the work is consistent with authorship of it. At least five working days' notice shall be given of this meeting.
- 4.3 The Student is entitled to be accompanied by a Student's Companion (as outlined in the Glossary to these Regulations). At the meeting the Student may make representations and submit any appropriate evidence. The Student can choose to decline an invitation to attend the meeting and can make written representations instead, in which case the matter will be decided in the Student's absence.
- 4.4 After considering any representations from the Student, including any evidence in mitigation, the FHRS will decide whether there is any substance to the allegations. If the FHRS believes there is substance then the matter will be referred to the Academic Offences Panel. If necessary, the FHRS will seek input from an Academic Practice Officer (from within their Faculty) who will advise on procedural matters and precedent where appropriate.
- 4.5 The Panel shall consider the case and shall be responsible for determining whether, and the degree to which, the allegations have been substantiated. The FHRS will be required to attend the Panel hearing to present the Faculty case.

5 Academic Offences Panel

5.1 An Academic Offences Panel shall consist of:

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

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

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

6 Protocols for the conduct of an Academic Offences Panel hearing

- 6.1 Panels must take steps to ensure that a Student accused of an academic offence is given a full and fair hearing. In disciplinary proceedings such as these, the Panel need only determine whether or not an offence has occurred on a 'balance of probabilities'. Members should demonstrate that the Panel has been 'both fair and reasonable' in its handling of the case.
- 6.2 A Panel hearing is a formal event, which may have grave implications for the Student and for the University. The fact that the matter has reached the stage of a full hearing means that the accusation against the Student is serious. It is most important that the evidence, including all relevant documents and records of communications between Staff and Students, should be carefully prepared in advance of the hearing. Members of Staff representing the University at a hearing will wish to present themselves and their case in a professional manner, commensurate with the seriousness of the occasion.
- 6.3 It is expected that the Academic Practice Officer or Faculty Head of Research Students who has been involved in the case will normally attend the panel hearing to present the faculty's case to the Panel.
- 6.4 The accused student will be given notice of the hearing. Due notice will be deemed to have been given if the notice and supporting information was sent securely using an encrypted and password protected document to the Students University email and any personal email addresses provided by the Student, no less than 10 working days before the date of the hearing. If the Student does not attend the hearing, the hearing will go ahead in their absence.
- 6.5 The Student is entitled to be accompanied by a Student's Companion whose role is set out in the Glossary to these Regulations.

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

- 6.6.1 The accused Student has the right to appear and be heard and to be accompanied by a Student's Companion (as outlined in the Glossary to these Regulations). If the Student intends to exercise the right to be accompanied by a companion, they shall so inform the Academic Support Office in writing in advance of the hearing.
- 6.6.2 The Panel has the right to call witness and to examine any documentation it considers necessary.
- 6.6.3 The Panel will decide whether the charge is or is not proven and will decide on the penalty if the charge is proven. It will pass its conclusions to the relevant Assessment Board for recording.
- 6.6.4 Subject to the Student's right of appeal, the Executive Director of Student and Academic Services (or appointed nominee) will inform the appropriate members of Senior Staff of the Panel's decision. If a Student is not to be permitted to be reassessed and is to be expelled from the University, the Executive Director of Student and Academic Services will issue the notification of expulsion. Copies of the notification shall be sent to the appropriate PVC/Dean of Faculty, Faculty Associate Dean Academic and, in the case of a research Student, the Chair of the Research Degrees Committee.

7 Guidance notes on the conduct of a Panel hearing

- 7.1 The following notes are provided as guidance on the conduct of an Academic Offences Panel hearing:
 - 7.1.1 The Panel members should be introduced to the Student and it should be confirmed that the Student has received the paperwork, including a copy of the procedures.
 - 7.1.2 The Student should be reminded of the charge against them and asked whether they admit or deny the charge.
 - 7.1.3 The person making the allegation of the academic offence will present the case, calling witnesses and presenting evidence as appropriate. The Panel and the Student shall have the opportunity to question the complainant and the witnesses. All such questions should be addressed through the Panel Chair.
 - 7.1.4 The Student shall have the opportunity to present a defence, calling witnesses and presenting evidence as appropriate. The panel and the complainant shall have the opportunity to question the Student and the witnesses. All such questions should be addressed through the Panel Chair.

- 7.1.5 The Student will be asked to make a concluding statement, presenting evidence of extenuating circumstances if wished.
- 7.1.6 The Panel will then go to into private session to consider the case and reach a decision.
- 7.1.7 All participants will then be invited to return to hear the Panel Chair announce the decision, the reasons for that decision and, where the allegation has been found to be proven, the penalty.
- 7.1.8 The decision of the Panel shall be final, subject only to the normal procedures available to Students for reconsideration of decisions concerning failure or termination of studies. (See section 8 below).

8 Outcomes/Penalties

8.1 Students on taught programmes

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

- 8.1.1 Expel the Student, the expulsion to incorporate failure of any and all assessments or examinations taken during that academic year. The Student will not be eligible for readmission to the University at any time in the future.
- 8.1.2 Reduce the degree classification achieved or to be achieved by the Student by one class (applicable to final level Students only).
- 8.1.3 Suspend the Student from the University for one year (or part thereof) and deem the Student to have failed only that academic year (or specified part thereof) and permit the Student to retake its assessments with or without attendance as determined by the Panel. Overall module marks for any reassessments will be capped.
- 8.1.4 Deem the Student to have failed only that academic year (or specified part thereof) and permit the Student to retake its assessments with or without attendance as determined by the Panel. Overall module marks for any reassessments will be capped.
- 8.1.5 In certain circumstances, the Panel may impose a failure in the component or module (with a mark of zero) without referring the matter back to the Academic Practice Officer for reconsideration. Overall module marks for any reassessments will be capped.

- 8.1.6 Refer the matter back to the Academic Practice Officer for reconsideration under their powers and in accordance with the tariff in Annex 1 to this Chapter.
- 8.2 Any reassessments successfully attempted as a consequence of a candidate being found guilty of an academic offence would normally lead to a minimum pass grade for the module overall.
- 8.3 The outcome shall be reported to the appropriate Assessment Board.
- 8.4 Research Students
- 8.4.1 If a research Student is found by the Panel to have committed an academic offence the Panel shall have authority to expel the Student or to take such other action as it deems appropriate. However, the normal penalty for an academic offence in such cases would be expulsion.
- 8.4.2 The outcome shall be reported to the Research Degrees Committee and the Doctoral College.
- 8.5 Students on courses leading to professional qualifications
- 8.5.1 If a Student enrolled on a programme leading directly to a professional qualification or the right to practise a particular profession or calling, is found by the Panel to have committed an academic offence, the Panel, taking advice from the relevant practice or profession representative (see paragraph 5 above) may impose an appropriate penalty or penalties and in addition, if the penalty is not expulsion, may end that Student's registration on the programme and allow them to transfer into another programme within the University provided that:
- the academic offence would not render them unfit for admission to the new programme;
 - the Student meets the normal entry requirements for the new programme;
 - there is a place available on the new programme; and
 - the Student is accepted as a suitable candidate by the faculty for the new programme.
- 8.5.2 Where such a case is found not proven or, for an exceptional reason the Academic Offences Panel believes the Student should be allowed to continue on their programme, the University will make every reasonable effort to ensure that, where satisfactory completion of a professional placement is a requirement, a suitable practice or professional placement can be found to enable the Student to complete their qualification.

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

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

9 Appeal against the decisions of an Academic Offences Panel

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

- That there is new and relevant evidence which the Student was demonstrably and for the most exceptional reasons unable to present at the Panel hearing. This may include evidence of extenuation.
- That the Panel did not comply with its procedures as set out in sections 6 and 7 above in such a way that it might cause reasonable doubt as to whether the result would have been different had the Panel complied.
- That there is evidence of prejudice or bias.

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

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

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

10.2 Notwithstanding the above, the Executive Director of Student and Academic Services may dismiss an appeal at this stage if in their

absolute opinion it should appear that the grounds of appeal are so lacking in substance that further consideration would not be justified.

10.3 On receipt of such a notice the Executive Director of Student and Academic Services (or nominee) shall convene the Academic Offences Appeals Committee and arrange for the appeal to be heard. The Academic Offences Appeals Committee shall comprise:

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

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

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

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

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

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

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

10.7.3 The Academic Offences Appeals Committee may set aside, vary or confirm the Academic Offences Panel's findings and/or may set aside, vary (including increasing) or confirm the penalty

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

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

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

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

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

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

Annex 2: Academic offences committed overseas (taught courses)

- 1** Where an academic offence has been committed at an associated institution overseas and it is not feasible to deal with the matter at a UK campus of the University the provisions outlined below shall apply.
 - Consultation on suspected instances of bad academic practice should be brought to the attention of the Academic Practice Officer via the designated Link Tutor in the first instance.
 - The provisions of section 3, Chapter 4 above shall then apply except that the Academic Practice Officer shall take action to inform the Student of the allegation within 14 days of the offence being brought to their attention and will invite the Student to make any representations the Student thinks necessary, such representations to reach the Academic Practice Officer within 21 days.
 - The Academic Practice Officer will decide whether to take the matter to an Academic Offences Panel, taking account of any representations received from the Student.
 - If taking the matter to a Panel, the Academic Practice Officer shall formally approach the Executive Director of Student and Academic Services (or nominee), detailing the allegations and requesting agreement to proceed to the establishment of a Panel.
 - If agreement is given, the Executive Director of Student and Academic Services (or nominee) shall, in consultation with the Academic Practice Officer, the appropriate PVC Dean and the associate institution, establish a Panel with membership from the associate institution equivalent to the membership of the standard Panel. Where appropriate, such a Panel may also include external and/or University membership.
 - The Panel secretary will then give notice of the hearing in writing to the Student. The Panel will act in strict conformity with the provisions of these regulations.
 - The Panel will then report its findings and recommendations to the Executive Director of Student and Academic Services.
 - The Executive Director of Student and Academic Services (or nominee) will seek the agreement of the appropriate PVC/Dean to the recommendations of the Panel and will then formally notify the Student of the University's decision.
- 2** Any difficulties arising during this process will be referred by the Executive Director of Student and Academic Services (or nominee) to the appropriate Pro Vice-Chancellor who will resolve the matter as they see fit, reporting to the Academic Board on actions taken.

Chapter 5 Deferral of assessment on grounds of extenuating circumstances

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

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).
- 1.2 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.
- 1.3 Students are expected to take deferred assessments at the next available opportunity as per the instructions from their Faculty.
- 1.4 Extenuating circumstances will not be considered by the University after a Student's marks (and/or award) have been verified by an Assessment Board and officially released to the Student.¹

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 his or her re-sit opportunities. This will be when the assessment is next normally offered, or, in the case of

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

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. 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 to undertake a course of chemotherapy or Students with mental 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 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 affect their assessed work, and to request deferral of the assessment. The Student must, however, do so in accordance with the Regulations and with the University procedures outlined below.
- 3.1.2 It is the Student's responsibility to ensure that requests for deferral on grounds of extenuating circumstances are made on the form devised for the purpose, available from Faculty Offices, the University website and from Student and Academic Services. The form must clearly list each assessment 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. 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 medical 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.
- 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. Submission of a deferral request form must be in line with the published deadline, usually 14 days after the date of the last assessment. Deferral requests received after this deadline will not be considered.
- 3.1.8 Note that Students who submit false or fraudulent documentation will be subject to the University's disciplinary procedures. The University reserves the right to contact third parties for the purposes of verifying supporting documentary evidence.
- 3.1.9 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.

- 3.1.10 Self-certification may only be used once for an examination and once for coursework, 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.
- 3.1.11 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 placed in a sealed envelope marked 'Confidential: from (Student's name)' and addressed to the Chair of the appropriate Panel, clearly marked 'Extenuating Circumstances' and attached to the form. Alternatively, a password protected document may be submitted electronically.
- 3.1.12 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.
- 3.1.13 It is the Student's responsibility to ensure that the form is submitted to the appropriate office as follows:
- Students on undergraduate programmes:
- Requests for deferral of formal examinations must be submitted to Student and Academic Services.
 - Requests for deferral of coursework and faculty-based tests (such as phase tests) must be submitted to the Faculty Office.
- Students on taught postgraduate programmes:
- Requests for deferral of formal examinations must be submitted to Student and Academic Services.
 - Requests for deferral of coursework must be submitted to the Faculty Office.
- 3.1.14 Forms should be submitted as close in time as possible to the circumstances which they describe and must be received by the deadlines stated (normally by the date of the coursework deadline

(or extension deadline) and within **14 working days** from the last examination date), 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.

- 3.1.15 Deferrals will not be accepted retrospectively i.e. if the deferral request is submitted beyond the coursework deadline, or after **14 working days** from the last date of the examination

3.2 Rights and responsibilities of University Staff

- 3.2.1 Student and Academic Services is responsible for issuing a receipt as evidence of submission of requests from all Students for deferral of formal examinations. Students submitting deferral requests by hand to Gateway House will be issued with a receipt from the Gateway reception Staff.
- 3.2.2 Student and Academic Services is responsible for ensuring that all eligible cases are referred to the Academic Board Panel or its nominated representative (see paragraph 4.1.1).
- 3.2.3 The Faculty Office is responsible for issuing a receipt as evidence of submission of requests from all Students for deferral of coursework and faculty-based tests.
- 3.2.4 The Faculty Office is responsible for ensuring that all such cases are referred to the appropriate Faculty Panel (see paragraph 4.1.5).
- 3.2.5 Panels considering requests for deferral have the right to reject late submissions and circumstances which do not relate in time to the assessment concerned.
- 3.2.6 Student and Academic Services is responsible for ensuring that the Student is notified in writing of the outcome of their application for deferral of formal examinations.
- 3.2.7 The Student's Faculty Office is responsible for ensuring that the Student is notified in writing of the outcome of their application for deferral of coursework, assessments and faculty-based tests, e.g. phase tests.
- 3.2.8 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 The Academic Board Panel is chaired by the Head of Academic Services and comprises: The Head of the Academic Support Office, an Associate Dean Academic, Associate Professor Student Experience (or equivalent) a representative of Student and Academic Services and a representative of the Students' Union.
- 4.1.2 The Academic Board Panel, or its nominated representative, will consider requests from all Students for deferral of formal examinations. In order to consider requests in a timely manner they will be assessed initially by the nominated representative (normally the Head of Academic Support Office) who has the authority to accept straightforward requests. Other requests will be considered by the Chair of the Academic Board Panel and the nominated representative.
- 4.1.3 Deferral requests that are dismissed by the nominated representative will be reviewed by the Chair of the Academic Board Panel or their designated deputy who has the authority to overturn a dismissal.
- 4.1.4 All evidence is considered on the Balance of Probability.
- 4.1.5 Each Faculty has established its own Panel to consider requests from Students on all programmes for deferral of coursework or faculty-based assessments (such as phase tests).
- 4.1.6 The Faculty Panels are chaired by the Faculty Associate Dean Academic (or nominee) and their membership comprises appropriate senior academic Staff and the Faculty Manager (or nominee).

4.2 Panel Procedure

- 4.2.1 All Panels convene immediately preceding and immediately following the main examination period in the summer term (or at relevant times for programmes that do not conform to the standard assessment timetable). They also meet immediately following the examination period in August. Deadline dates by which requests and accompanying evidence must have been received by Student and Academic Services and faculty offices are published annually².

² Deadline information is obtainable from Faculty Offices and Student and Academic Services

- 4.2.2 Requests received after the deadlines will be dismissed (see paragraph 3.1.15 above). 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 14 calendar days from the date of the examination concerned.
- 4.2.4 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.
- 4.2.5 Each Panel shall consider the evidence provided in support of the application for deferral of assessment (see paragraphs 4.1.2 and 4.1.5 above). 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.
- 4.2.6 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.
- 4.2.7 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.
- 4.2.8 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 within 10 working days of the Panel decision.

4.2.9 On receipt of such an appeal the Student Appeals and Conduct Officer will:

- In relation to coursework; convene the Academic Board Panel who will consider the case.
- In relation to an examination; consult with the Executive Director of Student and Academic Services who will consider the case.
- The Student is not required to be in attendance.

4.2.10 This decision shall be final and not subject to review by any other University Body.

4.2.11 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 of no more than 14 days, on medical or other grounds, Module Leaders (or other designated members of Staff) may exercise discretion to approve extensions or, where appropriate and practical, to make alternative arrangements for assessment, in accordance with published Faculty guidelines. Such requests for extensions must be agreed with the module leader in advance of the deadline date. If an extension has been granted, or alternative assessment arrangements approved, the module leader should place a written note on the Student's file explaining the length of extension or nature of assessment approved.
- 5.2 In cases where an extension to a deadline for 14 days is not sufficient to meet the particular circumstances of the Student, or where a Student feels that, despite being granted an extension of up to 14 days, their performance in a piece of coursework has been seriously impaired by extenuating circumstances, the Student may apply formally to the Faculty Panel for full deferral of assessment or coursework.

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 due allowance for unusual circumstances which can reasonably be anticipated. A Student who is prevented from attending an examination or other scheduled test by exceptional and unforeseeable weather conditions should immediately contact the Student Gateway for guidance on the relevant procedure.

7 Professional Body requirements

- 7.1 In cases where professional bodies so require, the consideration of requests by Students for deferral of assessment will be undertaken by the relevant Assessment Board rather than by the Academic Board Panel. In such cases, the evidence provided could point to the need for consideration of Fitness to Practise issues and would therefore be forwarded to the Fitness to Practise team.

Chapter 6 Regulations for candidates sitting internally set De Montfort University examinations

1 Instructions to all candidates

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 granted¹;
- 1.1.4 Read carefully the instructions on the examination paper and the examination answer book;
- 1.1.5 Note that the University reserves the right to schedule examinations and assessments on any day or time of the week, including weekends.

1.2 Candidates are reminded that it is an academic offence to commit any act which is intended to modify or evade, in an unauthorised manner and by unfair means, the conditions of assessment specified by the University. Chapter 4 of the General Regulations and Procedures Affecting Students deals in detail with academic offences. The regulations relating to examinations prohibit any attempt by a candidate to complete his or her 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 his or her own script to be copied, and passing material to or receiving material from any other candidate).

1.3 No candidate shall attempt to complete their script by unfair means, or communicate with another/others inside or outside the examination room.

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

- 1.4 Candidates' behaviour at all times should respect other candidates' rights to an examination environment free from unnecessary distraction or disturbance.
- 1.5 Where it has been established in accordance with approved procedures that a candidate has cheated or otherwise committed an academic offence, 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 student 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 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 are therefore liable to confiscate 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 exam environment and other exam 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.
- 1.23 Before the end of the exam, 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 exam.
- 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 colleges must follow their own college procedures and should contact the college Higher Education Co-ordinator for advice in the first instance.
- 2.3 Students taking examinations which are governed by the regulations of professional or external awarding bodies may need to meet different criteria in order to qualify for special examination conditions. The University will comply with any relevant professional requirements or guidelines.
- 2.4 Students who become ill or sustain an injury shortly before the examinations are due to take place are advised to seek a deferral of assessment (see Chapter 5 of these Regulations). In exceptional circumstances support may be provided and Students are advised to contact Student and Academic Services for advice.
- 2.5 Students requiring special conditions 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. Special conditions are not automatically transferred to the University from previous institutions.
- 2.6 The deadline for completion of the application process for the May exam period is 31 March for Students on standard undergraduate programmes. For other exam schedules the deadline is six weeks before the date of the examination(s) for which the Student is seeking individual

conditions for Students on non-standard programmes, for example postgraduate or Nursing and Midwifery programmes. 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 together with an appropriate member of Staff in Student and Academic Services must complete a form "Individual Examination Arrangements".
- 2.8 Further advice is available on the Student and Academic Services web pages found here: <https://www.dmu.ac.uk/current-students/student-support/index.aspx>
- 2.9 Individual examination arrangements may be made by the Head of Academic Services or their nominee, who will consult with Staff in Student and Academic Services and/or other Staff as necessary. Requests for special equipment may be subject to resource limitations.
- 2.10 Individual conditions may be granted for those with physical or learning disabilities or with medical conditions, which are either temporary or permanent. Such Students fall into five main categories:
 - 2.10.1 Those with a permanent physical disability, which can be substantiated by medical evidence, which might impair their performance in any given examination;
 - 2.10.2 Those with a permanent or chronic learning difficulty or disability, which can be substantiated either by a statement from an educational psychologist or by a diagnostic assessment, such as used by the Basic Skills Agency;
 - 2.10.3 Those with a chronic and long-term medical condition, which can be substantiated by medical evidence, which might impair their performance;
 - 2.10.4 Those Students who have conditions as described in paragraphs 2.10.1 to 2.10.3 above, where those conditions are not deemed to be permanent by their medical adviser or other professional person, but which nonetheless could adversely affect their performance. For the purpose of these Regulations, 'temporary' is taken to mean a condition with a duration of one year or less.
 - 2.10.5 Students who are pregnant.

Chapter 7 Student personal data: capture, retention and disposal

1 Introduction

1.1 The University is committed to ensuring that the personal information of all Students is handled in accordance with the principles of current Data Protection legislation, including the 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 found here: <https://www.dmu.ac.uk/policies/data-protection/data-protection.aspx>

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 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 his or her own examination data. Applications must be made in writing to the Executive Director of Student and Academic Services, signed by the applicant. The Executive Director will keep a record of such applications.

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. Any exceptions must be agreed with the Information Governance Manager.

- 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.
- 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 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. 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 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.
- 3.7 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.
- 3.8 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.
- 3.9 In cases of any doubt, advice should be obtained from the University's Information Governance Manager.

4 Policy on image capture

- 4.1 The General Data Protection Regulation and the Data Protection Act 2018 regulate the use of all personal information, including physical, physiological or genetic characteristics. This means that photographs of individuals where the individual can be identified fall within the scope of Data Protection legislation and are therefore subject to data protection principles.

- 4.2 From time to time the University may arrange for photographs (including video photography) to be taken which may include individual subjects or groups of individuals depending on the particular circumstances.
- 4.3 The photographs taken by the University may be used for promotional, marketing, training, teaching or assessment purposes. These may include (but are not limited to) the production of printed materials such as the University prospectus, brochures, the posting of photographs on the University's website or the use of video photography in television advertising.
- 4.4 The legal basis for this use is Legitimate Interests. Any Student who has objections to their image being captured should inform the University's Information Governance Manager. It should be noted that where a Student is present within a picture where they are not the primary subject (for example where they are in an audience or crowd) then they do not normally have the right of erasure. Where they are clearly the central figure in a photograph, they can object to said processing and request erasure.

5 Retention and disposal of Student records

- 5.1 All records kept by the University are held in accordance with the Records Retention Policy held by the Information Governance Manager and available on the University website here:
<https://www.dmu.ac.uk/about-dmu/quality-management-and-policy/records-management/records-management.aspx> . Most records with regard to Students are retained for a minimum of six years after graduation, dismissal or withdrawal from the University. Records may be kept longer than this minimum if there is a legitimate and reasonable business need for the University to keep such records.
- 5.2 If, after six years, a Student's record is destroyed, the individual Student's final transcript and assessment board minutes will be retained to enable the University to verify a Student's achievements.

Chapter 8 Students' right of appeal against Assessment Board or Research Degrees Committee decisions

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

1 Definitions

- 1.1 A Student has the right to appeal for reconsideration of a decision by an assessment board or, in the case of a research Student, a decision of the Research Degrees Committee or Examiners:
 - 1.1.1 Concerning an assessment outcome in a module or modules or constituent parts of a non-modular programme, subject to the 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 Probation Review.
- 1.2 A Student whose appeal is pending retains Student status 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 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 a decision are limited to one or more of the grounds set out below:
 - 1.3.1 During the examination or assessment
There were demonstrable errors in the conduct of the 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 process of marking and/or consequent decision-making. The outcome of the assessment differs so markedly from the candidate's reasonable expectations as to raise reasonable doubt as to whether the process has been properly conducted.

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 their Deputy) will expect the Student to provide evidence that their expectations of the outcome of the assessment were based on, for example:

- Their performance in a module which was a prerequisite for the module in question.
- Their performance in all other components of the module in question.
- Their performance in all other modules within the same programme as the module in question.

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 Students should note that simply questioning the academic judgement of their assessors does not constitute grounds for an academic appeal; in such cases the Student Appeals and Conduct Officer and Deputy 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. This should be clearly stated in the appeal documentation submitted.

- 1.7 Students should note that extenuating circumstances 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 downloaded here: <https://www.dmu.ac.uk/documents/dmu-students/academic-support-office/academic-appeal-form-2019-20.pdf>. 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 acasupport@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 21 calendar days of the published date for issuing results from the assessment 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. 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 in writing within 10 calendar days of the date of the outcome letter. Failure to do so will result in the Student Appeals and Conduct Officer (or nominee's) decision standing.
- 2.9 The Academic Appeals Panel shall comprise:
 - Chair: The Vice-Chancellor, the Deputy Vice-Chancellor, a Pro Vice-Chancellor, a Pro Vice Chancellor/Dean, Associate PVC Research, or a Deputy Dean holding a doctorate degree (in the case of a research Student)
 - A member of the Students' Union Executive Committee
 - In the case of Students on taught courses, a member of the Academic Board
 - In the case of a research Student, a member of the Research Degrees Committee
 - The Executive Director of Student and Academic Services or nominee
- 2.10 No panel members shall have been connected with the case.

- 2.11 The Academic Appeals Panel is empowered to examine appeals made to it under the grounds cited in sections 1.3.
- 2.12 The Student will be given notice of the hearing and the members of the Academic Appeals Panel in writing. 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 working days before the date of the hearing. If the Student does not attend the hearing, the hearing will go ahead in their absence.
- 2.13 The Student is entitled to be accompanied by a Student Companion whose role is set out in the Glossary to these Regulations.
- 2.14 The procedure adopted by the Academic Appeals Panel shall be as follows:
- 2.14.1 The Panel will be sent all necessary and appropriate documentation 7 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 Department 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 Departmental 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 Department

representative. The Panel will give both the appellant and the Department an opportunity to question any further information, evidence or advice for the clarification of matters of fact.

- 2.15 The Academic Appeals Panel is empowered to reach one of the following decisions:
- 2.15.1 That there are no grounds for the appeal and the original decision of the Assessment Board or Research Degrees Committee should stand.
 - 2.15.2 That the appeal is upheld and the decision giving rise to the appeal is set aside. The Academic Appeals Panel requires any assessed work concerned to be newly examined, either by the original examiners or by new examiners as determined by the Academic Appeals Panel. The Academic Appeals Panel shall also determine the conditions of this examination, consulting the assessment board or Research Degrees Committee if necessary.
 - 2.15.3 The appeal is upheld and the decision giving rise to the appeal is set aside. The Academic Appeals Panel grants the Student the opportunity to submit work for assessment as if for the first time, in the assessment concerned. The Academic Appeals Panel shall stipulate the timeframe for any resubmission for this replacement assessment, consulting the assessment board or Research Degrees Committee as necessary.
 - 2.15.4 The Academic Appeals Panel is also empowered to make recommendations to an assessment board and/or Research Degrees Committee regarding the conduct of business.
- 2.16 The decision of the Academic Appeals Panel is final and not subject to review by any other University body.

3 Records of academic appeals

- 3.1 The Student Appeals and Conduct Officer or nominee shall keep appeal files for a minimum of two years (from the point of programme completion), together with any mediator notes, allowing Chairs of Panels to consult them as an archive resource if so required.

4 Behaviour

- 4.1 If at any time during the appeals process the Students behaviour is considered vexatious or malicious, the University may decline to continue consideration of the appeal and / or make a referral under the Student Disciplinary Procedure.

Chapter 9 Student Complaints Procedure

De Montfort University's Students Complaints Procedure (SCP) has been developed to reflect the framework of the Office of the Independent Adjudicator (OIA), the Higher Education Ombudsman. It is based on "The Good Practice Framework: handling student complaints and academic appeals"¹ and complements the advice and guidance on concerns, complaints and appeals published by the UK Quality Code for Higher Education.²

The University recognises the importance of effective complaints management as both a tool and a source of information for service improvement. The University recognises the right of current Students and alumni to raise issues of concern about the services provided by the University.

If you want to understand how we process your personal data, and our legal basis for doing so, please refer to our Privacy Notice, found here:

<https://www.dmu.ac.uk/documents/dmu-students/academic-support-office/academic-appeal-form-2019-20.pdf>

1 Who can use the Student Complaints Procedure

- 1.1 The Student Complaints Procedure can be used by all Students and alumni 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.

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 action or lack of action of the University, its Staff or representatives, or about the standard of service provided by or on behalf of the University."
- 2.2 The SCP can be used by Students or alumni to raise any concerns or expressions of dissatisfaction about the services provided to them by the University
- 2.3 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;
 - unsuitable facilities or learning resources;
 - failure of the University to follow an appropriate administrative or academic process

¹ The good practice framework: handling student complaints and academic appeals – Office of the Independent Adjudicator Revised December 2016

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

3 What will not be dealt with under the SCP

- 3.1 Academic appeals or other matters that relate to Assessment Board decisions. Appeals against Assessment Board decisions are managed by the Academic Support Office and are dealt with under a separate appeals procedure contained within the General Regulations and Procedures Affecting Students. Any complaint made under the SCP which appears to be an academic appeal will be referred to the Academic Support Office for consideration. If you require further information about the procedure for academic appeals, please contact acasupportoffice@dmu.ac.uk and the team will assist you.
- 3.2 A challenge to an admissions decision. This should be raised under the University Admissions Policy found here: <https://www.dmu.ac.uk/documents/dmu-students/academic-support-office/student-admissions-policy.pdf>
- 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 Allegations that Students or Staff are in breach of the University's Dignity & Respect Policy. Such complaints will be dealt with under a separate process by the Head of the Academic Support Office (or nominee) and/or the Head of Security (or nominee) and HR in cases of alleged staff breaches.

4 The Three Stages of the SCP

- 4.1 The Student Complaints Procedure is intended to provide a streamlined process with a focus on local resolution. The SCP has three stages:
 - 4.1.1 Stage 1: Local Resolution Stage 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. Stage 1 can be used for difficult interpersonal matters where early resolution strategies such as mediation may be beneficial.
 - 4.1.2 Stage 2: Formal Investigation by the Office of the Student Appeals and Conduct Officer is appropriate where a Student is dissatisfied with the outcome of local resolution attempted at Stage 1.
 - 4.1.3 Stage 3: Appeal to the University Complaints Committee (UCC) is the Student's right to appeal the outcome of the Stage 2 process. A Stage 3 appeal is a review of the Stage 2 decision, not a rehearing. The UCC can review the procedure that was followed, consider whether the decision made was reasonable and/ or consider new information if such information could not reasonably have been made available by the Student at Stage 1 or Stage 2.

- 4.2 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 complainant and relevant others prior to the final complaint outcome for that Stage being communicated to the complainant.
- 4.3 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 Student Welfare Service
 - The University's Senior Tutor
 - Departmental Personal Tutors
 - The Chaplaincy
- 4.4 Human Resources will be able to direct Staff members to the appropriate support available.

5 Focus on Local Resolution

- 5.1 The University is committed to providing a high-quality service to our Students throughout their courses of study through 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.
- 5.2 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; and
 - to improve service delivery and the Student experience
- 5.3 Options for early resolution, such as mediation (facilitated discussion), should be considered wherever possible. A fair and thorough investigation of formal complaints will be undertaken when necessary. The most up-to-date University Student Complaints Procedure, together with further information and guidance about De Montfort University's Student Mediation service, are available at the following webpage:
<https://www.dmu.ac.uk/current-students/student-support/exams-deferrals-regulations-policies/student-complaints/index.aspx>
- 5.4 The University is committed to promoting equality and diversity in all its activities. The policy of the University is that 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 or offending background. No person shall be

discriminated against or adversely affected for making a complaint.

- 5.5 This Student Complaints Procedure should be read in conjunction with the other University's statements and policies which might apply to the concern the complainant wishes to raise, for instance in relation to Academic Appeals, the Dignity & Respect Policy, General Regulations Affecting Students, Student Code of Conduct, Student Disability Policy, Research Misconduct and Whistleblowing. Links to these and other related information can be found on the University's webpage at:
<https://www.dmu.ac.uk/current-students/student-support/index.aspx>

6 Mediation

- 6.1 Mediation can be undertaken at Stages 1 or 2 of the SCP. This is a voluntary process where an impartial, independent third party helps to try and reach an agreement. 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 the parties agree to mediation at Stage 2 of the SCP, revised timescales for Stage 2 will be agreed. If the resolution at Stage 2 is not acceptable to the complainant, they can go to a Stage 3 appeal. Mediation will not be used in cases which challenge academic judgement or the University's Regulations and procedures.

7 Making a Complaint

- 7.1 To make a complaint, Students must start at Stage 1, in most cases by informing their personal tutor of their complaint either verbally or in writing. If for whatever reason the Student is unwilling or unable to speak to their personal tutor their complaint must be made to the Associate Professor, Student Experience. In exceptional circumstances, complaints may be dealt with at Stage 2 without going through Stage 1.
- 7.2 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 Stage 2. This panel will consist of a PVC Dean (or nominated deputy), an Associate Professor (Student Experience), and the Executive Director of Student and Academic Services (or nominated deputy). The decision of this panel is final
- 7.3 For all other complaints, the process will start at Stage 1. Early local resolution should be sought and it is expected that the vast majority of complaints will be resolved at Stage 1. At the conclusion of the Stage 1 process, the University will write to the complainant, setting out the outcome. (see Appendix 1).
- 7.4 If the outcome of the Stage 1 process is not acceptable to the complainant, they can escalate the complaint to Stage 2. If the complaint is not resolved to the satisfaction of the complainant at Stage 2, the complainant may have grounds to appeal the Stage 2 outcome (see below for grounds to progress to Stage 3).

- 7.5 Should any complaint not be resolved through this internal three-Stage process, Students may refer to the Office of the Independent Adjudicator (OIA) www.oiahe.org.uk, the Higher Education sector ombudsman.
- 7.6 Students will be expected to engage personally with the University when raising a complaint (see the University's Communications with Third Parties Policy).
- 7.7 The **burden of proof** shall always be on the complainant, and the **standard of proof** will be the **balance of probability**.

8 Stage 1 - Local Resolution

8.1 Stage 1 is designed to address straightforward concerns informally, locally and expediently. This will include a face to face discussion between the Student and either a representative of the Faculty or Professional Service that the concern is about, or a mediator. The aim is to come to a mutually agreed outcome before the concern escalates into a Stage 2 complaint. Mediation can be requested by either the University or the Student at this stage. Examples of how De Montfort University may deal with Student concerns at Stage 1 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

8.2 Where it is clear that a resolution cannot be found at Stage 1, the Student will be directed promptly to the next Stage. The Staff member will advise the Student of the correct procedure to follow, including the relevant timelines and how and where to access advice and support, for example De Montfort University's Student Union (DSU). The Staff member will write to the Student following the conclusion of local resolution, confirming the dates of any meetings that were held; the details of the concern; the actions taken to try to resolve the concern and the outcome.

9 Stage 2 - Formal investigation by the Office of the Student Appeals and Conduct Officer (or their designated nominee)

9.1 Each complaint that is referred by a complainant to Stage 2 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)
 - Referral to Local 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)
- 9.2 If a complaint is deemed to be eligible to go to Stage 2 following assessment, 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 complainant, either face to face or by telephone, skype or other remote method, to confirm the purpose and scope of their investigation in order to manage expectations about possible outcomes.
- 9.3 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 complainant 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.
- 9.4 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 complainant of the reason for the delay and the revised timescale. However, the University will make every effort to adhere to the stated timescale.
- 9.5 If the University decides that a complaint is out of time or otherwise ineligible to be dealt with at Stage 2 or Stage 3 of the SCP, the University will inform the complainant in writing within one calendar month of its decision with a clear explanation of the reasons for the decision. The University will also give the complainant information about the next steps which are available to the complainant including:
- the complainant's right to take the complaint to the next stage of the process and the grounds on which they can do so.
 - where applicable the time limit for escalating to the next stage of the process (stage 3 – formal appeal to the University Complaints Committee).
 - where and how to access support.

- 9.6 The University will formally close the complaint at stage 2 if the complainant does not take the complaint to stage 3 within 10 University working days of the notice of the outcome at stage 2. Due notice will be deemed to have been given if the notice and any supporting information was sent by either 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.
- 9.7 Where a complaint is referred to Stage 2 or 3 and is upheld, the complainant will receive in writing from the University confirmation that the complaint has been upheld; how and when it will implement any remedy, and what next steps are available to the complainant if they remain dissatisfied.

10 Stage 3 - Appeal to the University Complaints Committee (UCC)

- 10.1 If the complainant is dissatisfied at the outcome of the Stage 2 Formal investigation by the Office of the Student Appeals and Conduct Officer (or their designated nominee), a formal appeal to the Chair of the UCC must be submitted within ten University working days of the completion of stage 2.
- 10.2 The Chair of the UCC may decline the request for an appeal 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.
- 10.3 The UCC will be chaired by a member of the Board of Governors, a member of the DSU and a senior staff member, all of whom will have had no previous involvement in the matter. The complainant will be offered one of the following options:
- the appeal to be conducted on paper by the Chair of the UCC; or
 - the opportunity to present their case to the UCC in person
- 10.4 Should the complainant opt for the appeal to be conducted on paper by the Chair of the UCC, the complainant will receive formal written communication of the outcome and any recommendations made by the Chair.
- 10.5 Should the complainant opt to present their case to the UCC in person, the University will ensure that adequate notice of the meeting is given to the Student, as well as advice on where and how to access support, who can accompany them to the committee hearing and what role their Student's Companion can play in the hearing, as set out in the glossary of these regulations.

- 10.6 If the complainant 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 complainant's absence and notify the complainant of this in writing.
- 10.7 If the complaint is not upheld by the UCC, the University will write to the complainant confirming the outcome, the reasons why and the next stage that the complainant can take. The University will also issue a Completion of Procedures letter within 28 days of this outcome.
- 10.8 If the complaint is upheld by the UCC the University will write to the complainant 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.
- 10.9 Should the complainant remain unhappy with the outcome upon completion of this final stage of the University's complaints process, the complainant is entitled to submit their complaint to the OIA for review, details of which can be found on this webpage: www.oiahe.org.uk.

11 Complaints about the Students' Union

- 11.1 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 at the following link:
<https://www.demontfortsu.com/news/article/6052/Complaints/>

12 Protocols

- 12.1 In making decisions under the Student Complaints Procedure the University takes into account guidance issued by relevant ombudsman services and other external bodies, in particular the OIA as it is published. 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.

13 Third party complaints

- 13.1 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.

14 Anonymous and confidential complaints

14.1 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 does however recognise that complainants 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 complainant's identity. It must be borne in mind that:

- It may be difficult to investigate complaints without revealing the identity of the complainant.
- It may be possible to make preliminary investigations without revealing the identity of the complainant but if the allegations are serious or the case is complex, the complainant 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 complainant before the case proceeds.
- The person or department which is the subject of a complaint may recognise the complainant because of the issues or allegations raised.
- No Student will suffer reprisals for making a complaint.

15 Collective complaints

15.1 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. While the complaint may be submitted and potentially investigated collectively, it may be that appropriate resolution is different for the individuals involved dependent on their individual circumstances.

15.2 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 Frivolous, malicious or vexatious complaints

16.1 The University reserves the right to decline to investigate a complaint at Stage 1 or Stage 2 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 complainant or their

representative 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.

- 16.2 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 complainant is found to have breached the disciplinary code set out in Chapter 2.

17 Timescales for making complaints

- 17.1 All stages of the process have a timeline and deadlines, but with the flexibility for the complainant or the University to request an extension to those deadlines where there is good reason to do so.
- 17.2 Complaints should be raised at Stage 1 (Local Resolution Stage) with the Student's personal tutor either verbally or in writing. If for whatever reason the Student is unwilling or unable to speak to their personal tutor their complaint must be made to the Associate Professor, Student Experience as soon as possible to ensure prompt investigation and, wherever possible, swift resolution. Complaints should be raised at Stage 1 within three months of the problem becoming apparent.
- 17.3 Once an outcome has been provided at Stage 1, a complainant or their representative, in the case of Student's who exceptionally cannot present their case themselves, has 10 University working days to escalate their complaint to Stage 2, together with supporting evidence, should the complaint or elements of it not be satisfactorily resolved at Stage 1.
- 17.4 Following the communication of the written outcome from the formal Stage 2 Investigation, the Student or their representative has 10 University working days to escalate their complaint to Stage 3, stating the grounds for progressing to stage 3
- 17.5 International Students must make themselves aware of immigration implications should consideration of their complaint extend beyond their permission to stay. A complainant would not typically be required to be present at the University for a complaint to be investigated, though participation in an investigatory interview via the phone or other means may be necessary.

18 Independent External Review

- 18.1 Once Stage 3 (Appeal to the University Complaints Committee) has been completed and an outcome issued to the complainant, or it is determined there are no grounds for the complaint to be considered

within Stage 3, the University's Procedure will be concluded, and therefore will issue a Completion of Procedures Letter. 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. 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 here: <https://www.oiahe.org.uk/students/how-to-complain-to-us/>.

Appendix 1

Stage 1 – Local Resolution

University Response Timeline	Considerations made	University's response
<i>one calendar month from receipt by the University of the complaint in writing *</i>	<ul style="list-style-type: none"> What specifically is the complaint about and which area(s) of the University are involved? What outcome is the complainant hoping to achieve? Is the complaint straightforward and likely to be resolved or responded to with minimal investigation or by using an existing University policy? Can another member of Staff assist in seeking informal resolution if I am not in a position to do so? What assistance or support can be provided to the Student in taking this forward? Should the Student Appeals and Conduct Officer (or their nominee) be asked if mediation might be appropriate in this case? 	<p><i>Either:</i></p> <p><i>Complaint upheld and remedy offered</i></p> <p><i>or</i></p> <p><i>Complaint dismissed with an explanation why</i></p> <p><i>The complainant will be informed of the outcome in writing via email (including right to proceed to Stage 2 if dissatisfied with the outcome)</i></p>
Complainant 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 Review and Investigation by the Office of the Student Appeals and Conduct Officer

Response Timeline	Considerations made	Outcome
<i>one calendar month from receipt by the University of the complaint in writing *</i>	<ul style="list-style-type: none"> What are the specific, key elements to the complaint? Why was Local Resolution at Stage 1 unsuccessful? Was any potential resolution offered? What does the complainant seek to achieve by escalating the complaint to Stage 2? Do the complainant's expectations appear to be reasonable and achievable? Should the Office of the Student Appeals and Conduct Officer be asked if mediation might be appropriate in this case? 	<p><i>Either:</i></p> <p><i>Complaint upheld and remedy offered</i></p> <p><i>or</i></p> <p><i>Complaint dismissed with an explanation why</i></p> <p><i>The complainant will be informed of the outcome in writing via email (including right to proceed to Stage 3 if dissatisfied with the outcome)</i></p>
Complainant 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: Formal Appeal to the University Complaints Committee

<i>Response Timeline</i>	<i>Consideration made</i>	<i>Outcome</i>
<i>one calendar month from receipt by the University of the complaint in writing *</i>	<ul style="list-style-type: none"> <i>Was there evidence of procedural irregularity at stage 2?</i> <i>Was the stage 2 outcome reasonable?</i> <i>What new evidence is available that was not available at stage 2?</i> <i>Would mediation be appropriate?</i> 	<i>Explanation and evidence to the complainant made in writing via email (including right to proceed to the Office of the Independent Adjudicator)</i> <i>Upheld and remedy made</i> <i>or</i> <i>Dismissed</i>
<i>Complainant has 12 months from the date of the Completion of Procedures letter to lodge a complaint with the Office of the Independent Adjudicator as detailed here: www.oiahe.org.uk</i>		

Chapter 10 Health and Safety Policy

1 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 and visitors. The main campus can be accessed by the general public, and as such the campus environment is kept to a high standard.
- 1.2 Health and Safety policies are reviewed every three years, unless there is a change in legislation or in the way activities are undertaken. The University provides the resources (finance, training for staff etc.) required for each faculty and professional service in meeting high standards.
- 1.3 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.
- 1.4 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.
- 1.1 The University Health and Safety Policy [\(SP1\)](#) is the overarching commitment statement that sits above all other health and safety policies. The Vice Chancellor reviews and signs SP1.
- 1.2 A number of Health and Safety policies are located on the employee intranet site under the People and Organisational folder and the health and safety tile. The library also has copies and access to these can be made through a Student's tutor.
- 1.3 Policy and risk assessment documents are also found on the SharePoint safety management site along with the Statement of Safety Organisation (SOSO). Again, access to these documents can be made through a Student's tutor.

2 Students' duty

- 2.1 It is the duty of all Students:
 - 2.1.1 To take reasonable care for the health and safety of themselves and of other persons who may be affected by their acts or omissions.

- 2.1.2 To co-operate with the University to enable compliance with health and safety requirements and the Health and Safety Policy.
- 2.1.3 Not to interfere with, or misuse anything provided in the interests of health, safety or welfare.
- 2.1.4 To report any faults or defects relating to health, safety and wellbeing matters to their tutors who will talk to the local health and safety coordinators. Staff will then assist with filling in an accident and incident report form (AIR) if required.

3 Children on campus

- 3.1 The University recognises its legal responsibilities for all persons whilst on University property. While not wishing to be restrictive, it is necessary to take into account the fact that children may be at greater risk of accident or injury than adults. It is therefore necessary for the University to introduce procedures and policies to ensure the health and safety, as far as is reasonably practicable, of all children on University property. It should be noted that the University has a responsibility for safeguarding children whilst on University premises, therefore any Student who disregards their responsibilities (as outlined below) may become subject to the University's disciplinary procedures (Chapter 2 of these Regulations).
- 3.2 There will be occasions when a Student or visitor may wish to bring a child (under 16 years) onto University property for a short period of time, for example while they collect work or meet a colleague. During this time the child must be under the immediate supervision (at all times) of the adult concerned. On such occasions it will not be necessary or practicable to obtain permission provided access is restricted to low risk areas such as offices. In such cases, the Student or visitor accompanying the child shall be responsible for the safety of the child while on University property.
- 3.3 Where a child will be present for other than a short period of time, or may be taken into a higher risk area or may be left unattended, or left with another adult who is not an official guardian, the Student or visitor accompanying the child must obtain **express written** permission from the Dean or their nominee **before** the child enters University property. Students are **not** permitted to be accompanied by children during any University timetabled academic sessions.

3.4 Areas considered to be higher risk include:

- Laboratories
- Workshops
- Construction sites
- Other hazardous buildings or work areas.

3.5 The health, safety and wellbeing team can be contacted at this email address: healthandsafety@dmu.ac.uk and offices are located in John Whitehead Building.

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 0800 hours to 2130 hours during teaching weeks and from 0800 hours to 1900 hours during University vacations. When buildings are closed the **Access Out of Hours** procedure explained in paragraph 2 below applies. Please see current opening times on the Security website page:
<https://demontfortUniversity.sharepoint.com/sites/DMUHome/org/Estates/Pages/security.aspx>
- 1.4 University owned and Leased halls of residence are open 24/7. For Students residing in or visiting DMU owned or leased Halls of Residence (Bede Halls, New Wharf Halls or Waterway Gardens), occupation is subject to the applicable terms of this General Regulations and Procedures Affecting Students document plus the Accommodation Terms and Conditions Agreement, the Essential Guide to Living in Halls and any other rules or regulations enforced by the University relating to their occupation of halls of residence. For Students residing in or visiting private halls of residence nominated by the University or any other private halls of residence, occupation is subject to the applicable terms of this General Regulations and Procedures Affecting Students document, plus the terms of their tenancy/agreement with the private hall's provider, and any other rules or regulations enforced by the private halls 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 (form B) available from their Faculty Student Advice Centre, Student Union or Estates Services Building reception. The form is also available online:
https://demontfortUniversity.sharepoint.com/sites/DMUHome/org/Estates/Pages/working_out_of_hours.aspx
- 2.3 The form must be signed by the Student and authorised by the Head of Department and the Director of Faculty Operations or Director 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 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.
- 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.

3 Access to University libraries and associated learning spaces

- 3.1 Students who wish to use the University libraries and their associated learning spaces (hereafter referred to as “the Library”) may gain access only within the times and period that these are open for business, as published on the Library entrances and the Library website: <https://library.dmu.ac.uk/DMU>, and on production of a valid University identity card. Library opening times will vary during holidays and outside core teaching weeks.
- 3.2 Temporary access to the library may be refused by University Staff at any time the Library is open. This is for safety reasons, however the Director of Library and Learning Services (LLS), or nominee, has the right on a more permanent basis to refuse admission to the Library.
- 3.3 Where a Student or other library user has been identified as displaying or using inappropriate words or behaviour that affects the other users of the Library, or puts their safety at risk, they may be asked to leave. The Director of LLS or nominee may upon the receipt of a complaint, restrict the individuals access to the Library, to timeframes that focus that person towards managing their learning experience in a more focussed and beneficial way. For example, restricting 24-hour access to 16, 12 or 10 hours access per day. Additionally, a ban on attending the library may be put in place for a limited time.
- 3.4 Such restrictions may be placed for a period of no longer than a month and then each individual case reviewed. For repeat offenders consideration will be given to referring the individual into the University disciplinary process at panel level.

Annex 1 Regulations for using Library and Learning Services

- 1 The Directorate of Library and Learning Services (“the Library”) provides users with resources, services and facilities in support of learning, teaching and research. These regulations are designed to ensure that such provision is made as effectively and fairly as possible and that the integrity of the service is maintained.

- 1.1 The regulations apply to all users of the Library, including Students registered at DMU, Staff employed at DMU, and other external users and visitors.

2 Access and membership

- 2.1 All current DMU Students and all Staff working for the University 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 these regulations.
 - 2.2 Users who have been granted access to the Libraries or 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 Library regulations.
 - 2.3 To access the Kimberlin Library one of the following forms of identification are required:

Current DMU Staff / Student	External member of the Library service
Student University ID card Staff University ID card Temporary day pass	DMU external membership card alumni/former Staff/DMU Aspire Community Reader card Partner college over-18 card SCONUL access card

- 2.4 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 Staff or Student ID card. External users are not permitted access.
 - 2.5 Library users can only use their own identity card for access and the use of services and facilities. The transfer of University ID cards or temporary day passes to another person is not permitted and will be in breach of Chapter 2 of these regulations. This may result in disciplinary procedures being invoked.
 - 2.6 Valid identification should be carried at all times and be produced and surrendered to a member of DMU Staff upon request. Failure to do so is a breach of the Disciplinary Code, Chapter 2 of these regulations.

- 2.7 In line with University policy, children under the age of 16 may accompany a DMU Student or Staff member for a brief visit to the Library of up to 30 minutes (e.g. to collect or return materials and at the discretion of Library Staff during Staffed service hours). Children permitted entry do so at the risk of their guardian who is responsible for their safety and wellbeing at all times. Where a child will be present for other than a short period of time, the Student or member of Staff 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.
- 2.8 Animals, other than service dogs, may not be brought into the Library.
- 2.9 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.
- 2.10 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 Loan entitlements vary according to type of membership. Current loan entitlements are detailed on the Library website: <https://library.dmu.ac.uk/clickandcollect/home>.
- 3.2 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.
- 3.3 Users are responsible for all loans issued against their Library cards until those items have been returned and discharged.
- 3.4 Library users can only use their own ID card for borrowing and loans must not be transferred from one user to another person. This is in breach of Chapter 2 Paragraph 5.3.10 and may result in Disciplinary Procedures being invoked.
- 3.5 External users must notify the Library immediately of any change of address.

- 3.6 Lost Library and DMU ID cards must be reported as soon as possible. Cardholders will be held responsible for the consequences of any misuse of their cards prior to the notification of the loss.
- 3.7 Normal loans are issued for two weeks and will auto-renew unless required by another Library users.
- 3.8 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 days of a reminder to return will be assumed lost and a replacement cost charged.
- 3.9 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 IT and online resources in the Library

- 4.1 The IT facilities and equipment provided by the Library are for use by DMU Staff and Students only. The use of IT facilities and equipment, including personal laptops and mobile devices, shall be in accordance with the General Regulations and Procedures Affecting Students (see Chapter 2, Annex 4) and other University regulations, guidelines and codes of practice for IT use. Any breach of regulations, guidelines and/or codes of practice will be treated as a disciplinary offence.
- 4.2 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.
- 4.3 Where the Library has entered into agreements with external agencies for the supply of online services, users will abide by these agreements and the conditions of use specified by such suppliers. These agreements may require the University to supply user data to external agencies in order to deliver these services. The supply of data will be in accordance with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR).
- 4.4 Usernames and passwords provided for access to IT and online resources must not be shared. The sharing of such information will be treated as a disciplinary offence, as defined in Chapter 2 of these regulations, and additional action may also be taken by third party suppliers of services to DMU.
- 4.5 Damaging or otherwise tampering with any IT equipment provided is not permitted and will be deemed a disciplinary offence as defined in Chapter 2 of these regulations.

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 Library users are expected to treat Library Staff and other Library users in line with DM policies on dignity and respect as defined in Chapter 2 annex 9. Disorderly, abusive, threatening or offensive behaviour or language will not be tolerated and will be treated as a breach of the disciplinary code.
- 5.3 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.
- 5.4 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.
- 5.5 Smoking is prohibited in the Library, including the use of tobacco substitutes and electronic cigarettes.
- 5.6 The possession and supply of illegal drugs is prohibited on campus and is a criminal offence.
- 5.7 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.
- 5.8 Users must not deface or damage Library property including books, equipment, furniture and the fabric of the buildings.
- 5.9 Users must not enter or leave through doors marked as fire exits, or enter areas marked for "Library Staff Only" unless invited to do so.

- 5.10 The following health, safety and wellbeing behaviours should be observed:
- On hearing the fire alarm, all users must vacate the Library immediately via the nearest 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.
 - Users should put litter and waste liquid in the appropriate bins provided and leave study areas clean and tidy.
- 5.11 Photography and filming in the Library are allowed by DMU Staff ONLY where prior written permission from the Director of Library and Learning Services or nominee has been given. Students are not normally permitted to film or take photographs in the Library.
- 5.12 Users should not display posters and adverts without permission from Library Staff and will be removed if permission has not been sought.
- 5.13 Users must comply with current copyright legislation and publisher requirements when copying, printing, scanning or otherwise reproducing or accessing published works. Details of what is permissible under the law and current licence is available from the Library website: <https://library.dmu.ac.uk/copyrightGDPR/home> and displayed at all copying equipment.
- 5.14 Bladed instruments are restricted on campus as per Chapter 2 Annex 7 of these regulations. Bladed instruments should only be used in designated workshops or learning spaces for the production of creative work. The use of bladed instruments outside the designated areas is prohibited.

6 Penalties

- 6.1 Breaches of Library regulations will be dealt with in line with category of use, as follows:

DMU Student	DMU Staff
Breaches of Library regulations and their investigation by the Authorised Officer or nominee are dealt with in accordance with Chapter 2 Student discipline in the General Regulations and Procedures Affecting Students	Breaches of the Library regulations may be referred to the relevant Pro-Vice Chancellor/Dean or Director.
External user at other University or educational institution	Other external user including DMU alumni
Membership of the Library may be permanently withdrawn and the home institution advised of the decision. If the Library holds an address on record a written communication advising of the decision will be sent.	Membership of the Library may be permanently withdrawn. If the Library holds an address on record a written communication advising of the decision will be sent.
Whilst investigating a current breach of Library regulations, any past breaches may be referred to.	

- 6.2 Where behaviour, by a DMU Student user of the Library, is found to contravene the Library regulations and University disciplinary code, the Director of LLS (or nominee) together with Head of Security (or nominee), will decide upon the most appropriate course of action. This may be dealt with locally within the Library where penalties may include, but are not limited to:
- verbal or written warnings.
 - restrictions on borrowing.
 - charges for the replacement of lost or damaged items.
 - access restrictions and possible suspension of the right to enter Library spaces.
 - formal University disciplinary procedures.
- 6.3 DMU Students and Staff who remove or attempt to remove items from the Library without authorisation may have their borrowing rights suspended.
- 6.4 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:
<https://library.dmu.ac.uk/clickandcollect/home>

- 6.5 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.
- 6.6 Users failing to return overdue items within two weeks of the due date will be billed for the cost of replacement plus an administrative charge. Charges may be waived if the circumstances of the Library Fines Exceptions Policy found here: <https://library.dmu.ac.uk/spd/finespolicy> are met.
- 6.7 On loan items which are lost or otherwise misplaced will be charged for replacement cost plus administrative charge.
- 6.8 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.
- 6.9 Appeals against penalties imposed for breaches of Library regulations will be dealt with in line with category of use, as follows:

DMU Student or Staff	External user
<p>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.</p> <p>Staff should appeal via the appeals section of DMU's formal disciplinary procedures.</p>	<p>An appeal can be submitted by contacting the Director of Library and Learning Services via email: libadmin@dmu.ac.uk</p>
<p>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: lsmanager@dmu.ac.uk.</p>	

Chapter 12

Disruption of service

- 1** The University will take reasonable steps to provide the teaching, examination, assessment and other educational services set out in its prospectuses and as laid down in approved documents relating to programmes offered at the institution. The University does not however guarantee provision of such services. Should circumstances beyond the control of the University interfere with its ability to provide educational services, the University will take reasonable steps to minimise the resultant disruption to those services.
- 2** Such circumstances may include:
 - Acts of vandalism and/or terrorism
 - Severe weather conditions
 - Industrial action by staff and/or students
 - Health and safety requirements (such as communicable diseases).

These are examples of circumstances beyond the control of the University but they do not represent an exhaustive definition of such circumstances.

Chapter 13 Intellectual property rights

1 Policy on IPR (non-research students) (the “Policy”)

- 1.1 The Policy applies to all Students registered on programmes other than our postgraduate research programmes. The latest version is available in full on the [website](#).
- 1.2 It is important that each Student reads and understands the [full version of the Policy](#).
- 1.3 For Students, the general position under the Policy is the Student will own any IPR the Student creates except in the following circumstances:
 - 1.3.1 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:
 - 1.3.1.1 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
 - 1.3.1.2 the University had already licenced or assigned the IPR in relation to such work to a third party; or
 - 1.3.1.3 the University had already used the IPR in relation to such work in its educational, teaching or research material; or
 - 1.3.1.4 the University had already commercially exploited the IPR in relation to such work; or
 - 1.3.2 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
 - 1.3.3 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
 - 1.3.4 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
 - 1.3.5 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

- 1.3.6 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
- 1.3.7 if the Student does work that is funded (in part or in whole) by Research Councils UK; or
- 1.3.8 if the Student does a work-based placement which the University arranges; or
- 1.3.9 if the Student does a work-based placement with the University; or
- 1.3.10 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
- 1.3.11 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 4.7 of the Research Degree Regulation](#), 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.”

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 Students work and IPR for: (a) the purposes of supervising, assessing, marking and moderating the Student's work; and (b) for the University's administrative purposes, including assessing and maintaining academic quality, plagiarism assessment and meeting the University's legal obligations.
- 3.2 The Student also grants to the University a licence to: (a) store and copy the Student's examination script for archival purposes; and (b) deposit

any dissertations and theses the Student writes in the University's repository and copy, publish and distribute them at the University's discretion (by way of example, through the British Library Electronic Theses On-line System).

4 Recording material delivered as part of a course or programme of research

- 4.1 A Student who through disability or illness is unable to take notes or uses other types of learning support as recommended in an assessment of needs is permitted to record delivered material such as lectures, tutorials and seminars by prior arrangement with the member of Staff delivering the material, provided the recording is for personal use and reference only.

Chapter 14 Insurance

1 Personal accident

- 1.1 De Montfort University (DMU) Personal Accident Insurance Policy provides personal accident insurance cover for DMU Students, that suffer an injury whilst engaged in sporting activities that are organised by and approved under the control of DMU.
- 1.1 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.
- 1.2 Firms and organisations that Students visit or with which they are placed as part of their course should have both Public and Employers' liability insurance in place to cover their liability for negligence in the event of a Student being injured.

2 Personal property

- 2.1 The University does not accept liability for loss and/or damage to personal property, including bicycles and motor vehicles. Students are strongly advised to make their own arrangements for insuring their personal property.

3 Vehicles

- 3.1 The University does not accept liability for third party claims arising out of the use by Students of their own vehicles for programme visits and travel between campuses. Students using their own vehicles for such purposes must therefore inform their individual insurers to arrange for their policies to be adjusted to reflect vehicle use outside the standard "social and domestic" cover.

Chapter 15 Code of practice on freedom of speech within De Montfort University

This Code is issued by the Board of Governors of the University pursuant to section 43 of the Education Act (No 2) 1986 and applies to Students and Staff of the University.

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 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, clubs 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 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.
- 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.

1.6 Those under a duty to observe and uphold the principle of freedom of speech within the University shall do so at all times while on University premises or on premises other than those owned or controlled by the University or the Students' Union but are engaged in University or the Students' Union business (including constituent societies, clubs and associations) or are otherwise representing the University or Students' Union (including constituent societies, clubs and associations).

1.7 The Students' Union is 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 at 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) on the grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

- 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 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 14 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 7 days whether the meeting may nevertheless go ahead.
- 3.9 It shall be the duty of any person engaged in the organisation of any 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 of speakers is a right not to be disturbed, it shall be contrary to the Code to seek, by systematic or organised heckling, disruption or like activity, to prevent the lawful expression of views in accordance with 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 shall be punishable under the relevant Disciplinary Code of the University.
- 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, it shall

have a right to make representations. These shall be made to the Vice-Chancellor within 7 days of the date of the letter confirming the decision. The Vice-Chancellor shall consider such representations and within 7 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, it shall be a duty of all to whom this Code applies to take all reasonable steps to secure the identification of persons involved in that breach.
- 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 his absolute discretion determines otherwise, proceed with any disciplinary proceedings in respect of the same matters pending the conclusion of any such proceedings.

5 Review and amendment of code

- 5.1 Section 43 (3) of the Education (No.2) Act 1986 requires that the Board of Governors shall issue, and keep up to date, this Code of Practice on Freedom of Speech. In order to comply with this duty, the Board of Governors shall review, formally, the operation of the Code on an annual basis.

Chapter 16 University employment of its Students: security aspects

1 Introduction

- 1.1 The University is increasingly employing its own Students in a wide variety of areas. This development is to be encouraged. However, Students should be aware that there are security implications which may limit the availability of certain types of employment. The principles set out below describe these limitations and are intended to protect DMU Students in employment with the University.

2 Principles

- 2.1 All Students employed in University departments will undertake DMU Staff induction training, and any additional training required by the role that pertains to processing of data. This includes:
- personal data concerning individuals, whether Staff, applicants or Students of the University;
 - data of commercial sensitivity to the University.
- 2.2 Students employed in University departments will be trained in the appropriate handling of data as required by the role. No Student should be employed in activities that provide access to sensitive personal data. These include, but are not limited to:
- examination administration,
 - registration and Student records,
 - admissions records administration,
 - issuing results notifications,
 - invoicing,
 - cashiers' activities,
 - debt chasing.

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 away.
- 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 and Organisational Development. These have the right of veto. Data owners are:
- Student data: Executive Director of Student and Academic Services
 - Finance data: Executive Director of Finance
 - Personnel data: Executive Director of People and Organisational Development.
- 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 as this would not be consistent with the health and wellbeing of the Student or with satisfactory completion of their programme (see Chapter 1, paragraph 2.13).

Chapter 17 Principles governing the introduction of changes to regulations

- 1** The University reserves the right to change those general regulations which are common to all Students and which are the means by which the University seeks to regulate the whole Student community. Such regulatory changes must be notified to Students in order to be effective. Such changes are normally introduced at the start of an academic session only. Examples of these regulations include: Appeals Regulations, Disciplinary Regulations, Health and Safety Regulations, regulations governing the conduct of examinations.
- 2** The University seeks to keep to a minimum, changes to regulations which apply to an individual Student's performance on a programme of studies. Thus, material changes to academic regulations are normally introduced in relation to new Students only. Examples of academic regulations include: the credit scheme, assessment and reassessment schemes, progression rules, module and course templates.
- 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 Executive Director of Student and Academic Services' responsibility to decide whether a particular change comes under paragraph 4 or paragraph 5 above, taking legal advice as necessary. It is also the Executive Director's function to approve arrangements for consulting Students as required in paragraph 3 above.
- 7** The University utilises reasonable means of notifying Students and prospective Students of regulations and changes to regulations. Thus, major regulations are made available via the Internet on <https://www.dmu.ac.uk/current-students/student-support/exams-deferrals-regulations-policies/student-regulations-and-policies/index.aspx> and printed copies are available on request from Student and Academic Services and Faculty Offices. Also, changed

regulations are notified to Students by such means as poster campaigns and are made available to Students on all sites. The University also provides leaflets which summarise the provisions of key regulations (for example, academic appeals, cheating and plagiarism, course transfer or withdrawal).

- 8** Where, exceptionally, a material change is applied to current Students the change must be applied in such a manner that the Student's award is not adversely affected.
- 9** Due to the potential length of the period of registration of part-time Students, it may be impracticable for the University to continue to apply previous versions of academic regulations to all part-time Students until they complete their course. The University therefore reserves the right to make changes (including material changes) to academic regulations which apply to part-time Students, where this is considered necessary by the Executive Director of Student and Academic Services. In such cases, part-time Students are notified as far in advance as possible of the implication of the changes.