# General Regulations and Procedures Affecting Students 2015/2016

This document relates to the 2015/2016 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 Student Appeals & Conduct Officer in Student & Academic Services, telephone 0116 257 7694 .

Guidance on the application of these Regulations can be obtained from Student & Academic Services by contacting the Student Appeals & Conduct Officer in the first instance.

2015/2016: Issue 1
Issued by Student & Academic Services, De Montfort University

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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 Dean of 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 **Board of Governors**' means the Board of Governors of De Montfort University.

- '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.

- 'The **Disciplinary Committee**' means the Disciplinary Committee established by the Board of Governors under the provisions of these Regulations.

- '**Expulsion**' 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.

- '**Programme**' means a course or programme of studies leading to a named award of De Montfort University.

- 'The **Provost**' means the member of staff having responsibility for dealing with minor disciplinary cases.

- '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 or undergraduate or other student enrolled/registered for a course of study, whether full-time or part-time, of De Montfort University.

- ‘The **student’s representative**’ means an NUS accredited Students’ Union representative, or another student of the University, or a member of the student’s family (not acting in a legal capacity). If the case is of a serious or complex nature or if the circumstances of the student are such that the student could be put at a disadvantage if denied legal representation the student may request legal representation. The decision as to whether legal representation should be allowed lies with the relevant committee, panel or authorised officer and their decision in the matter shall be final. If the student has legal representation, then the complainant or University may also be so represented in relevant hearings/meetings.

- ‘The **Students’ Union**’ means the De Montfort University Student Union.

- ‘**Suspension**’ a student who is suspended is excluded from the University for a defined period after which the student is eligible to return to resume studies. Such a suspended student is not permitted on site and is not allowed access to University facilities for the periods of suspension. During the period of suspension the student’s registration for any award is held in abeyance.

- ‘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.

## 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 of the University in force at any time during the period of their studies. These Regulations are available via the Internet on www.dmu.ac.uk/dmu-students/student-and-academic-services/academic-support-office/student-regulations.aspx and in hard copy on request during office hours from Faculty Offices and Student & Academic Services.

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.

1.2 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 by 31 December in the year of entry. Applicants who will not be 18 by this date should read the University's Policy on admissions of applicants under eighteen years available from Student and Academic Services and on the University's website.

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 Registration card
In order to be recognised as a student of the University, a person must obtain a personal registration card, which bears his or her official registration number. This card cannot be issued until the prospective student has completed enrolment. The card remains the property of the University, must be carried at all times whilst on University premises, and must be surrendered to any authorised officer of the University on request.

2.4 Payment of fees
No person shall be recognised as a student of the University until s/he has paid

the appropriate fees or made arrangements for payment acceptable to the University.

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. 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 Failure formally to notify a criminal conviction which has not been spent under the Rehabilitation of Offenders Act 1974, or acceptance in the previous five years of a Police Caution, or any 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.

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 3 of these General Regulations.

2.5.3 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 offence involving violence against another person or the misuse of illegal drugs[1].

[1] See also the section in the University's Admissions Regulations which sets out the Policy on Recruitment of Ex-offenders to University Courses and the University's Policy and guidelines on the misuse of illegal drugs at Chapter 2, Annex 4 of the Regulations and Procedures Affecting Students.

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 Head of Studies or Faculty Head of Research if this situation arises.

If a student is aware that any member of their family is, or becomes, a member of Professional Services (i.e. non-academic) staff they must inform the Director of Student & Academic Services who will ensure appropriate measures are in place to protect confidentiality and integrity of data.

2.7 Untrue statements and omissions

The discovery, however belated, of any form of fraudulent, untrue or misleading statement or one which omits pertinent facts (eg 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 or enrolment requirements (eg 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.

Where the applicant has already registered as a student of the University, the Director of Student & Academic Services may declare the registration void, in which case the student shall be withdrawn from the University.

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 Director posted the letter notifying the student of withdrawal of registration. On receipt of such written representation, the Vice- Chancellor will review the action taken by the Director. The decision of the Vice-Chancellor shall be final and not subject to review by any other University body.

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.

2.8 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.

2.9 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. 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.

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*).

2.10 Student address and changes of address

Completion of registration for an academic year requires notification by each student of his/her home address and local residential address 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 his/her enrolment form, as soon as any change has been effected.

2.11 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 enrolment form. All official documentation, including final award certificates, will be provided under the name that the student declared on their enrolment 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[2].

## 3 Variation to registration status

The registration of a student can be terminated 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.

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: *Provision for students whose behaviour causes concern*).

[2] For further information see the University's Policy on Student Names available via the Internet on http://www.dmu.ac.uk.

## 4 Attendance and absence

4.1 Monitoring attendance

Students are required to attend all scheduled activities within their programme. Students with a poor attendance record will be sent a series of warning letters from their Faculty. If they fail to respond, and/or absence persists, the Faculty reserves the right to terminate the student's registration.

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

4.2 Absence

Students must not be absent from the University without good cause. For absences due to illness, lasting up to six consecutive calendar days, students must inform 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, s/he must follow the procedures set out in Chapter 5 of these Regulations.

4.3 Students receiving Local Authority (LA) or Student Loans Company (SLC) financial support

Students in receipt of any LA or SLC financial support should note that the University is obliged to inform the LA or SLC of any unauthorised absence and absences due to illness of more than 60 days.

4.4 Students who hold a Tier 4 Visa

Students who hold a Tier 4 visa whose attendance falls below the required standards may be reported as no longer attending the University to UK Visas & Immigration (UKVI). This may lead to UKVI curtailing the student's visa as per their regulations.

4.5 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 Head of Studies (or supervisor in the case of research students).

4.6 Withdrawal

A student who decides to withdraw from a programme must inform his or her Head of Studies 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 practice or academic offence investigation and panel hearing.

4.7 Student participation in British University Sports Association (BUSA) competitions

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

1. The student should make the member of staff aware of his/her probable participation in a team competing in the final stages of a BUSA competition.
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.
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.

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.

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:

- Tuition fee
- Residence 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.

5.2 Temporary registration

The Director of Student & 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 (6.1 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.

Academic awards shall not be conferred upon students who owe tuition fees.

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.

After due warning, the registration of students who have failed to pay tuition fees shall be declared void by the Director of Student & Academic Services, acting on behalf of the Vice-Chancellor.

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 outstanding on completion of their programme or on termination of their registration. The University will pass on any extra costs incurred to the student.

5.5 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 s/he is 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.

The University will endeavour to work with students who fall in to 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.

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 6.4 (above).

5.6 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 enrol. 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 6.7 below). Faculties will notify students of this possible sanction before a loan is authorised.

5.7 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.

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 6.4 (above).

5.8 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.

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

5.9 Replacement certificates and transcripts

The University makes an administrative charge for providing certified true copy replacement award certificates and transcripts.

## 6 Health and Safety

Each registered student is required to ensure that s/he is 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 9 of these Regulations. The full *Health and Safety Policy* is published on the De Montfort University Intranet.

## 7 Policy on Gifts

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

The University reserves the right to rescind and deprive a person of any award granted to him 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.

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.

The Director of Student & 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 Director of Student & Academic Services who will arrange for a member of the Board of Governors to review the decision.

## Annex 1 Student Attendance Monitoring Policy

1. Students are required to attend 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 The Faculty will contact the student regarding their attendance; this correspondence will contain appropriate advice and guidance for the student in relation to engagement with their studies.

   2.2 If the student's attendance does not improve and/or the student is not able to provide a satisfactory explanation for non-attendance further correspondence will be sent requiring the student to attend a meeting to discuss their attendance.

   2.3 Failure to respond to this correspondence will result in a final formal letter being sent to the student on behalf of the Faculty Head of Studies, failure to respond to this correspondence and/or continued unauthorised absence *may* result in a student's registration being terminated.

3. This policy represents the minimum level of attendance monitoring required by the University. Faculties and individual programmes may set more stringent requirements. Where there is a Professional, Statutory or Regulatory Body (PSRB) requirement for attendance, the PSRB requirement supersedes the University requirement.

4. Any student whose registration is terminated for non-attendance will be permitted to **apply** to rejoin the University after a period of two years.

5. Any student who wishes to appeal a Faculty's decision to terminate registration must do so in writing to the Student Appeals & Conduct Officer who will review the case to ensure proper procedure (as outlined above) was followed. The decision of the Student Appeals & Conduct Officer is final and not subject to review by any other University body.

## Chapter 2 Student discipline[1]

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

### Part A: Introduction, Definitions and General Principles

### 1 Introduction

1.1 The University's disciplinary rules and procedures as set out in this Chapter of the University's General Regulations apply to all registered students of the University. In addition, students attending De Montfort University programmes in partner 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.

1.2 The use of this Disciplinary Procedure against a student is a serious matter. Any student subject to this Procedure is advised to seek assistance from the Students' Union.

1.3 The Vice-Chancellor may delegate to a designated senior member of staff his powers under these procedures, generally or in respect of a particular case.

1.4 A student shall be considered to have been notified of any actions arising from the operation of these disciplinary procedures and to have received any supporting information by dispatch of letter sent by recorded delivery to his/her last known address. Each student is responsible for ensuring that the University is notified promptly of any change of address[2].

1.5 Plea-bargaining is not permitted. Penalties should be appropriate to the offence committed and decided only in accordance with these Disciplinary Procedures.

All decisions with regard to these Disciplinary Procedures and outcomes 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 these Procedures.

1.6 The University acknowledges that students may demonstrate behavioural problems where it would be inappropriate to take disciplinary action. Provisions for students who demonstrate such problems are contained in Chapter 3 of these Regulations.

1.7 For students registered with De Montfort University studying in franchise or associate colleges the following regulations apply:

1.7.1 Any academic disciplinary procedures affecting student performance or progression shall be dealt with under De Montfort University regulations.

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

[2] See Chapter 1, paragraph 3.10 of these Regulations.

1.7.2 De Montfort University General Regulations and Procedures Affecting Students shall apply in all cases apart from minor matters concerning the use of the college premises or facilities, in which case local college regulations shall take precedence.

1.7.3 Expulsion or suspension of a student can only be invoked through De Montfort University General Regulations and Procedures Affecting Students.

1.7.4 In disciplinary cases considered under college regulations findings against students shall be reported by the Head of the College to the appropriate Provost (for minor offences) or the Clerk to the Disciplinary Committee (for major offences) who shall then inform the appropriate Dean of Faculty.

1.7.5 Major offences committed at associate or franchise colleges overseas, or parts of the University based overseas, will be dealt with under the procedure set out in Annex 3.

## 2 Definitions

2.1 These Regulations shall apply to all locations and premises of the University and cover De Montfort University students at associate and franchise colleges.

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

2.3 For the purposes of these Regulations 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 and restorative justice.

## 3 General principles

Whenever these disciplinary procedures are used the following general principles shall apply.

3.1 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 should notify the relevant Provost or the Head of Security.

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

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

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

3.5 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.

3.6 Deans of Faculties will be fully informed of all disciplinary matters affecting students within their respective areas of responsibility and will keep a record of students who are proved to have committed disciplinary offences for the duration of that student's registration with the University.

**Part B: Criminal offences**

## 4 Criminal offences

4.1 Where it comes to the University's attention that a registered student has been convicted of[3] 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, 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.

Such students may also be subject to the provisions of Chapter 1, paragraph 3.5.2 of these Regulations.

4.2 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, 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.

4.3 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 these Disciplinary Procedures.

4.4 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.

4.5 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, s/he is required to report the matter formally and immediately to the Head of Security. The matter will then be dealt with in accordance with these Disciplinary Procedures.

4.6 In serious cases and in cases where the student concerned has been suspended from the University under these Regulations[4] the Head of Security 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.

[3] See definition at Chapter 2, paragraph 2.3 of these Regulations
[4] See Chapter 2, paragraph 13 of these Regulations.

The decision to proceed with or suspend an investigation shall be made by the Head of Security after consultation with the designated senior member of staff.

4.7 Notwithstanding the University's right to deal with any offence against the Disciplinary Code, the University may defer action under these Disciplinary Procedures 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 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.

4.8 Following a criminal conviction[5], 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 accepted 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.

4.9 Where the University becomes aware that a registered 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.

4.9.1 Where the Courts have imposed a custodial sentence the student is 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. Exclusion 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. Exclusion would be automatically imposed if the student failed to make written representations within a set timescale unless there were good reasons, accepted by the Chair, why the student could not do so.

4.9.2 Where a non-custodial sentence has been imposed following a criminal conviction[6] , the Head of Security will provide a case report to the designated senior member of staff. S/he will decide whether the case should be referred to the relevant Provost (who would normally give the student a written warning as to future conduct), or to the Disciplinary Committee, in which case s/he will consider whether a suspension should also be imposed.

Such students would retain the usual right of appeal to the Disciplinary Appeals Committee.

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

## Part C: The Disciplinary Code

## 5 The Disciplinary Code

Breaches of this Code may be determined by the University to be of a minor or major nature and will be dealt with under the appropriate section of these Regulations.

The following shall constitute misconduct under disciplinary rules made by the Board of Governors:

5.1 Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere;

5.2 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 Violent, indecent, disorderly, threatening, abusive or offensive behavior 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 or any behaviour which in the reasonable opinion of the designated senior member of staff or relevant Provost is likely to be regarded as constituting such misconduct;

5.4 Abusive, threatening or offensive language (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;

5.5 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;

5.6 Action likely to cause injury or impair safety on University premises;

5.7 Harassment, 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 or any behaviour which in the reasonable opinion of the designated senior member of staff or relevant Provost is likely to be regarded as harassment ;

In this context harassment means any behaviour or action, spoken or written words, usually repeated or persistent, directed at a specific person, which annoys, alarms or causes substantial emotional distress to that person without any reasonable grounds;

5.8 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;

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

5.10 Misuse or unauthorised use of the University's intellectual property (including the sale of essays or unauthorised sale of other work produced by a student as part of their programme with the University[7]);

5.11 Conduct which constitutes a criminal offence (including conviction for, or being formally charged with, an offence[8]) 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.

The following are examples of factors which might be taken into account when considering whether such an offence has rendered a student unfit to continue in the University.

The University might consider whether the offence

- took place on University premises
- affected or concerned other members of the University community
- damaged the good name of the University
- itself constitutes misconduct within the terms of this Code
- is an offence of dishonesty, where the student holds an office of responsibility in the University
- is such as to render the student unfit to practise any particular profession or calling to which that student's programme directly leads.

5.12 Behaviour which could bring the University into disrepute; this may include the misuse or consumption of alcohol, "legal highs" or other psychoactive substances;

5.13 Failure to disclose 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 such information be given[9];

5.14 Knowingly allowing the misuse or unauthorised use of a student ID card by another student; this may include (but is not limited to) unauthorised entry in to the library or other University facilities;

5.15 Failure 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;

5.16 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 etc;

5.17 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 his/her programme of study;

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

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[7] See Chapter 12, 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.

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

[9] See Chapter 1, paragraph 3.3 of these Regulations.

5.19 Failure to immediately notify the Head of Security of either a criminal conviction[10] which has not been spent under the *Rehabilitation of Offenders Act 1974* or any investigation which might lead to a criminal conviction[11], including being formally charged with such an offence by the police;

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

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

5.21 Failure to comply with a penalty previously imposed under the Disciplinary Code by a Provost or the Disciplinary Committee. Should a matter arise which the student considers to justify non-compliance or delay in compliance s/he should immediately inform the Provost (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 s/he 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.

5.22 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 of these regulations a student is 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, paragraphs 15 and 16.4 of these Regulations12.

[10] See definition at Chapter 2, paragraph 2.3 of these Regulations.
[11] See also Chapter 1, paragraph 3.5 of these Regulations.
[12] Minor breaches of the disciplinary code and other matters of concern for fitness to practice are dealt with under local Faculty procedures and in accordance with the procedure set out in Chapter 2, Annex 6 of these Regulations.

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

5.23 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.

Members of the Students' Union must:

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

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

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

## Part D: Investigation of Offences

### 6 Investigation of all offences

6.1 Breaches of student discipline may be investigated by the designated Provost, or the Head of Security, 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.

6.2 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.

6.3 Once the investigation has been concluded, the investigating officer shall review the documentation and, taking account of advice from the Clerk to the Disciplinary Committee, shall determine whether to refer the matter to be dealt with by the Provost's procedures (as a minor offence) or by the Disciplinary Committee (as a major offence).

## Part E: Minor offences and Provosts' procedures

### 7 Minor offences

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

7.2 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 these regulations are dealt with in the same way as appeals against Provosts' decisions.

Disputed cases and more serious offences may be referred to the Head of Security or Provost who will then follow the steps set out in paragraph 6 above.

7.3 All other minor offences are dealt with under the Provosts' Procedures as set out in Section 9 of these Disciplinary Procedures.

7.4 Minor offences are divided into two categories:

- minor anti-social behaviour, (including drunken behaviour), minor damage, minor offensiveness to staff;
- any repetition of behaviour already identified to the student as a minor offence not covered by the Disciplinary Code.

7.5 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.

7.6 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 Provost shall write formally to the Clerk to the Disciplinary Committee requesting that a hearing of the Disciplinary Committee be convened.

### 8 Provosts and the Committee of Provosts

8.1 A Provost is a member of staff having responsibility for dealing with minor disciplinary cases. Each Faculty shall have at least one Provost appointed by the Dean. The Director of Library & Learning Services (or an appointed nominee) shall act as Provost for minor cases within the University's libraries. At least one further Provost shall be appointed by the designated senior member of staff to deal with minor cases within the University's managed or nominated student housing.

8.2 There shall be a Committee of Provosts, chaired by the designated senior member of staff, and its membership shall be drawn from the Provosts, Deans of Faculty, Students' Union and other appropriate senior staff of the University.

8.3 Subject to regulations determined by the Board of Governors, the Committee is responsible for:

8.3.1 Co-ordinating the processes associated with student discipline within the University for the purpose of ensuring consistency of approach to disciplinary matters.

8.3.2 Considering and recommending to the Academic Board and the Board of Governors, changes to disciplinary regulations and procedures.

8.3.3 Reviewing the level of authority/powers delegated to individual Provosts (eg the maximum level of fine or sanction which could be applied in cases where there are no specific existing regulations).

## 9 Provosts' procedures (minor offences – informal resolution)

Where the Provost considers it appropriate, and before any formal procedure has been invoked, a Provost may invite a student alleged to have committed a very minor offence to meet with him/her to discuss the matter informally. The student may be accompanied to such a meeting by a representative (as defined in the Glossary to these Regulations). If the student admits the offence the Provost 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 Provost may not impose a formal penalty as an outcome from such a meeting.

If the student refuses to attend an informal meeting or does not admit the offence or a resolution cannot be agreed, the Provost will invoke formal procedures as set out in paragraphs 10 to 12 below. Any attempt at informal resolution will not prejudice the outcome of more formal procedures.

## 10 Provosts' procedures (minor offences – formal procedure)

10.1 Following investigation of an alleged offence the Provost shall arrange to meet with the student to discuss the allegations. The Provost shall give 7 days notice of the date, time and location of the meeting in writing. The Provost shall inform the student in writing of the details of the alleged offence and invite the student to say whether s/he admits the offence and whether s/he wishes 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 Provost.

10.2 If the student fails, without reasonable excuse, to attend the meeting convened by the Provost, the Provost may deal with the case in his/her absence. The Provost will then advise the student in writing within 7 days of his/her decision with regard to the allegations and of any penalty.

10.3 The Provost 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 representative (as defined in the Glossary to these Regulations), who may speak on the student's behalf. If the student intends to be accompanied by a representative, s/he shall inform the Provost in writing of the name and status of their representative in advance of the meeting.

10.3.2 The Provost 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 Provost 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 s/he has the right to present a defence. S/he may call witnesses. The Provost 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 Provost and/or the investigating officer may call witnesses to present evidence. The student has the right to ask questions of the Provost and/or the investigating officer or of any witness for the clarification of matters of fact.

10.3.6 The Provost may temporarily adjourn the hearing in order to seek further information, evidence or advice. Where possible, at the time of adjournment, the Provost 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 Provost will share any further information, evidence or advice s/he has 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 Provost 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 Provost finds the case proven s/he may determine what penalty, if any, to impose, taking account of any statement the student makes in mitigation.

However, if the Provost believes that his/her powers to deal with the offence under this provision and/or to impose a penalty are not sufficient or the Provost believes that the offence deserves a penalty more appropriate than on one of those available to him/her then s/he shall refer the case to the Disciplinary Committee. The Provost may indicate the penalty s/he believes might be appropriate.

10.3.9 The Provost shall inform the student of his/her decision and any penalty s/he decides to impose at the hearing.

10.3.10 Where a student is enrolled on a programme leading directly to a professional qualification or the right to practice a particular profession or calling the Provost shall inform the Faculty Fitness to Practice Lead of the outcome of the meeting.

10.4 A record of both the incident and the penalty shall be retained by the Provost. The Provost will formally notify the student, the Dean of Faculty and the Head of Security in writing of the outcome of the hearing.

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

10.6 If, in the course of the investigation and the Provost's hearing, a matter related to the student's welfare is recognised, then the Provost 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 The Provost 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 Provost may waive setting a penalty upon a student giving a firm undertaking to fulfil a condition or conditions. This will allow the Provost 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 & 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 Provost shall be treated as a major offence and referred to the Disciplinary Committee.

## 11 Provosts' penalties (minor offences)

A Provost may impose one or more of the penalties set out below. Penalties shall be just and fitting to the offence for which they are imposed.

Any financial penalty imposed shall be a debt owed to the University and therefore subject to the University's normal debt collection procedures unless quashed on appeal.

11.1 A formal reprimand (oral warning), confirmed in the form of a written note, which will be kept on the Provost'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.

11.2 A written warning which will be kept on the Provost's file for a period of three full terms.

11.3 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 Provost.

11.4 A fine not exceeding £100.

Notwithstanding any penalty imposed by the Provost, the Provost 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.

## 12 Appeal against a Provost's decision

A student has the right of appeal against the decision of a Provost 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

## 13 Major offences

13.1 Some examples of offences which would be defined as major offences include repetition or systematic repetition of minor offences, offences other than academic offences in connection with University assessments, actions and/or omissions in breach of the University's Code of Practice on Freedom of Speech, attempts to influence complainants and/or witnesses in minor or major disciplinary cases, other serious offences eg possession of class A drugs, damage to or on University premises, theft, assault etc obstructing or harming the operations, safety and discipline of the University.

13.2 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.

13.3 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.

## 14 Suspension

14.1 The University reserves the right to suspend a student who is the subject of a disciplinary investigation arising from an allegation that s/he has committed a major offence or who is the subject of an investigation carried out under Faculty fitness to practice 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.

14.2 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, in matters relating to fitness to practise, from the Head of the relevant School.

14.3 In particular, the designated senior member of staff has the authority to suspend any student where, in his/her reasonable view, the student's continued presence as a member of the University community:

14.3.1 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

14.3.2 Represents a potential hazard to sustaining the University's policies on health and safety, or

14.3.3 Would be prejudicial to the student's best interests, safety or well-being, or

14.3.4 Would disrupt or interfere with the academic, administrative or other activities of the University, or

14.3.5 Is liable to bring the University into disrepute.

14.4 The suspension/exclusion 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/exclusion in the light of any developments or of any representations made by the student or anyone on his/her behalf.

14.5 If the suspension/exclusion is for more than 14 days duration, the suspended/excluded student has the right of appeal, through written representation, to the Vice-Chancellor.

## 15 The Disciplinary Committee

The Disciplinary Committee consists of the Deputy Vice-Chancellor or a Pro Vice-Chancellor/Dean, who is the Chair, a Provost, and the President of the De Montfort Students' Union or his/her nominee who shall be a member of the Students' Union Executive team.

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, an independent external member of the relevant practice area or profession will act as an additional member of the Committee and provide an opinion on the accused student's suitability for admission to and/or to practice the profession or calling to which the student's programme directly leads in light of the evidence presented to the Committee.

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

## 16 The Disciplinary Committee hearing

16.1 The Head of Security or other investigating officer[13] 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.

16.2 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 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 s/he may decide that a hearing should be convened but this would be the exception. The Chair may consult the designated senior member of staff in reaching his/her decision on penalty or other matters. The student retains the usual right of appeal to the Disciplinary Appeals Committee.

16.3 If the student denies the offence, or if the Chair of the Disciplinary Committee believes that a hearing should be convened in the case of a student who admits the offence, the Clerk to the Disciplinary Committee shall arrange a hearing of the Disciplinary Committee. The accused student and the complainant will be given notice in writing of the hearing, the charge and statements and the members of the Disciplinary Committee who will attend the hearing. Due notice will be considered to have been given on posting the notice, by recorded delivery, to the student's last recorded address, not less than 16 days before the date of the hearing.

If the date of the hearing is too soon to allow a student who has been granted legal representation to arrange such representation, the student may request that a new date be set.

If the student fails, without reasonable excuse, to attend the hearing, the Disciplinary Committee may deal with the case in his/her absence.

16.4 In the case of a complaint concerning a student's conduct in relation to his or her suitability for admission to and/or to practise a profession or calling (see 5.20 above), the Clerk to the Disciplinary Committee shall 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.

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

16.5 If the student, on good grounds, wishes to object to any member of the Disciplinary Committee, the student shall submit his/her objections in writing 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 with due care to ensure that there are no good grounds for the accused student to object to the substitute member.

16.6 The procedure adopted by the Disciplinary Committee shall be determined by the Committee and shall provide for the following:

16.6.1 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.

The student has the right to be accompanied by a representative (as defined in the Glossary to these Regulations) who may speak on the student's behalf, although it is normally in the student's interests and assists the Committee if the student speaks for themselves. If the student wishes to exercise the right to have a representative present, then s/he shall inform the Clerk to the Disciplinary Committee in writing at least seven days before the hearing.

If the student wishes to call witnesses it is his/her 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 he/she will be calling at least seven days before the hearing. If he/she does not do so, the complainant may request that the hearing is adjourned.

16.6.2 The complainant 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 has the right to be accompanied by a representative who may speak on his/her behalf. If the complainant wishes to exercise the right to have a representative present, then s/he shall inform the Clerk to the Disciplinary Committee in writing at least seven days before the hearing.

16.6.3 The Disciplinary Committee has the right to question the complainant, the accused student and their witnesses and representatives.

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

The Disciplinary Committee has the right to adjourn a hearing to seek additional information which may include calling and questioning further witnesses, seeking additional material or examining any documentation it considers necessary. The Disciplinary Committee will share any further information, evidence or advice it has obtained with the complainant and the student. The Disciplinary Committee will give both the complainant and the student an opportunity to question any further information, evidence or advice for the clarification of matters of fact.

16.6.4 The Committee will adjourn to decide, on the balance of probability, whether the charge is or is not proven and any penalty and will inform the student, giving their reasons. 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.

16.7 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 then 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 Director of Student & Academic Services and other relevant senior members of staff.

## 17 Penalties

17.1 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 Committee**.**

17.2 Some **examples** of penalties are:

17.2.1 Expulsion from the University.

17.2.2 Suspension for up to a year.

17.2.3 Expulsion from University managed accommodation.

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

17.2.5 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.

17.2.6 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.

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

- reimburse the University for any costs incurred in hearing a case, for example, costs of obtaining a memorandum of conviction;
- reimburse the University for any costs reasonably incurred by the University in carrying out any necessary repairs or replacements arising from any damage caused by the student or for which the student is responsible;
- make an apology to any named person or persons, either in writing or verbally depending on the circumstances of the case, wording to be approved by the Chair of the Disciplinary Committee.

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.

17.4 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 & 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.

17.5 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 (see 5.20 above) 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.

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.

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:

17.5.1 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;

17.5.2 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;

17.5.3 There is a place available on the new programme;

17.5.4 The student is accepted as a suitable candidate by the Faculty for the new programme.

17.6 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 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.

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 17.5 are met.

## 18 Appeal against a decision of the Disciplinary Committee

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

## Part G: Appeals against a disciplinary decision

## 19 A student's right of appeal

A student has the right of appeal to the Disciplinary Appeals Committee against

- a Provost's decision or
- 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 practice a particular profession following Faculty fitness to practice procedures.

## 20 The Disciplinary Appeals Committee

The Disciplinary Appeals Committee consists of an external Governor who is the Chair, and another external Governor or recently retired Governor and a designated senior member of staff. All three members of the Disciplinary Appeals Committee shall be present at a hearing.

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

## 21 Grounds for appeal

A student has the right of appeal only on the following grounds:

21.1 There is new and relevant evidence which the student was demonstrably and for the most exceptional reasons unable to present at the Disciplinary Hearing or Provost'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.

21.2 The Disciplinary Committee, Provost or Faculty fitness to practise investigation did not comply with its stated procedures.

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

## 22 The Disciplinary Appeals Committee's procedures

22.1 Any student wishing to appeal against a decision of a Provost 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 section 20 above, and providing appropriate documentary evidence. This notice of appeal should reach the Clerk to the Disciplinary Appeals Committee within 14 days of the formal notification of the decision.

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

22.3 The Chair of the Disciplinary Appeals Committee may dismiss an appeal at this stage if in his/her absolute opinion it should appear 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 body.

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

22.5 The appellant and the complainant will be given notice in writing of the hearing and the members of the Disciplinary Appeals Committee. Due notice of the appeal will be considered to have been given on posting the notice and supporting information, by recorded delivery, to the student's last recorded address, not less than 16 days before the date of the hearing.

If the student fails, without reasonable excuse, to attend the hearing, the appeal shall be considered to have lapsed.

22.6 If the student, on good grounds, wishes to object to any member of the Disciplinary Appeals Committee, the student shall submit his/her objections in writing 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 with due care to ensure that there are no good grounds for the accused student to object to the substitute member.

22.7 The procedure adopted by the Disciplinary Appeals Committee shall be as determined by the Committee and shall provide for the following:

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

22.7.2 The complainant has the right to appear and be heard and to be accompanied by a representative.

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

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

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

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

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

**Annex 1**

**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**

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

The categories of offences are set out in the *General Regulations and Procedures Affecting Students*.

Minor offences should be dealt with under the Provost's procedure (in the same set of 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.

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.

1 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.

2 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 individual student (i.e. they are not involved in the teaching or assessment of the student). Wherever possible the same individual will conduct all investigations at that location.

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

4 Having completed the investigation the member of staff concerned will forward a report to the designated senior member of staff, who will review the report and determine whether the University should press a disciplinary charge against the student.

5 If it is decided that a charge should be brought then the designated senior member of staff (or his/her nominee) will instruct the investigating member of staff to bring the charge formally against the student.

6 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).

7 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.

8 The panel shall meet and conduct a hearing in accordance with the procedure set out in the General Regulations and Procedures Affecting Students. A record will be taken of the proceedings.

9 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.

10 The designated senior member of staff (or his/her nominee) will determine the penalty, having liaised with the Chairman of the University Disciplinary Committee, in accordance with normal University practice and precedence. S/he 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.

Advice on any aspect of the operation/administration of this procedure can be sought from the Clerk to the Board of Governors in the UK.

**Annex 2**

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

The University wants students to make best use of the information technology 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.

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.

- Regulations for using IT facilities
- Code of conduct for the use of software or datasets
- De Montfort University IT guide to legislation
- De Montfort University Internet Code of Practice
- De Montfort University Community Security Policy
- De Montfort University Network Security Policy
- Janet acceptable use guidelines.

Any breach of regulations, guidelines and/or codes of practice will be treated as a disciplinary offence.

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

## 1 Computer and communication systems

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

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

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

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

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

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

1.3 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.

1.4 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.

1.5 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.

## 2 Software

2.1 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.

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

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

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

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

2.2.4 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;

2.2.5 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.

## 3 Audible devices

3.1 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.

3.2 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.

3.3 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 Regulations, except that non-compliance with this regulation in an examination will be regarded as an academic offence and will be dealt with under the Academic Offences regulations.

**Annex 3**

**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 Provost may require a student to withdraw temporarily from a programme or placement or from the whole or any other named part of the University if, in the view of the Programme Leader or Faculty Provost there is good and sufficient cause to do so. The Programme Leader or Faculty Provost 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 seven days.

2 The Programme Leader or Faculty Provost 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 four days of the temporary withdrawal.

4 Within seven days of the temporary withdrawal, the designated senior member of staff (or his/her nominee) shall, after making such investigation as s/he sees fit and considering any representations which may have been made, make a decision to suspend or exclude the student or to take such other action under his general powers as he may decide, including discharging the temporary withdrawal.

5 The suspension/exclusion shall be reviewed every four weeks by the designated senior member of staff who may confirm, revoke or vary the suspension/exclusion in the light of any developments or of any representations made by the student or anyone on his/her behalf. If the suspension/exclusion is for more than 14 days duration, the suspended/excluded student has the right of appeal, through written representation, to the Vice-Chancellor.

6 Notwithstanding the order of suspension or exclusion the University shall not be prevented from taking disciplinary action against the student.

## Annex 4

## 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 its student members. 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.

### 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 investigation[1].

### 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 Provost 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 5

## 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. For the purpose of this policy, any offensive weapon is one intended or adapted to cause injury.

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

1.3 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 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 student/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 Sporting and recreational use

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

## 5 Archery

5.1 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.

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

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

## 7 Exemptions

7.1 In exceptional circumstances a student may apply for exemption from the regulation concerning the possession of personal or privately-owned weapons on University premises, eg if s/he is a sportsman or woman 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.

7.2 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.

## 8 Replica weapons

8.1 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 seven 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 seven days before the weapon is brought onto University premises.

8.2 The granting of such permission does not remove from the student any criminal responsibilities concerning the possession of replica firearms or other imitation weapons in a public place.

## Annex 6

## Fitness to Practise Procedures

### 1 Introduction

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 subject areas, such as Nursing and Midwifery 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.

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 him/herself with the provisions and requirements of the relevant professional body.

1.1 Students on such courses who commit a major breach of the University's disciplinary code are subject to the relevant procedures as set out in Chapter 2 of these Regulations.

1.2 Students on such courses whose behaviour causes serious concern for their own safety or that of others may be subject to the procedures as set out in Chapter 3 of these Regulations.

1.3 Students on such courses who commit a major academic offence are subject to the relevant procedures as set out in Chapter 4 of these Regulations.

1.4 Students on such courses whose behaviour and/or health raises any other concerns about their fitness to practise are subject to Faculty Fitness to Practise procedures approved by the Academic Board.

### 2 Faculty Fitness to Practise Procedures

Faculty procedures may vary and will depend on professional body requirements and standards. However, all such procedures should contain the following elements:

2.1 All students should be informed of the fitness to practise procedure which applies to their programme.

2.2 Any student subject to such procedures should be notified in writing when such procedures are being invoked. Such notification must include the nature of any allegations or concerns and the name of the appointed investigating officer.

2.3 A student subject to such procedures may be accompanied at all meetings by a representative as defined in the Glossary to these Regulations.

2.4 Any investigation should be carried out in a timely manner using appropriate methods of evidence gathering.

2.5 Procedures should include a formal meeting at which the student can discuss the issues of concern in person with an appropriately qualified panel which will normally include a lay person and a representative of the relevant practice area or profession. This panel decides the outcome of the procedure in the light of evidence presented to it.

2.6 Outcomes of the procedure should include the possibility that the student may continue on the programme subject to specified conditions or an agreed improvement plan.

2.7 If the decision-making panel decides to recommend that the student should be terminated from the programme, the case file and recommendation are sent to the designated senior member of staff (as defined in the Glossary to these Regulations) for confirmation. The designated senior member of staff will consider whether the stated procedure was followed, whether a reasonable decision was made on the basis of the available evidence, and whether clear reasons have been given for the decision. The designated senior member of staff will formally notify the student of his/her decision in writing.

2.8 If the designated senior member of staff upholds the panel's recommendation that the student should be terminated from the programme, the student has the right to appeal to the University's Disciplinary Appeal Panel in accordance with the procedures set out in Chapter 2, Part G of these Regulations.

Please note that any student wishing to appeal the decision to terminate their registration on the programme can only do so once they have received the formal notification of the decision from the designated senior member of staff.

## 3 Suspension from theory and/or practice

3.1 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 3 of these Regulations should be followed.

3.2 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 14 of these Regulations should be followed.

3.3 In both cases, 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.

## 4 Termination of registration from programme of study

4.1 Where it is proven that a student has acted in such a way as to render them unfit to practice 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 Practice Committee's decision.

4.2 Students who are terminated from their programme as unfit to practice will not be permitted to re-enrol onto the programme from which they have been terminated. 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 practice a particular profession when the student has previously been terminated from their programme as unfit to practice.

4.3 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 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 Fitness to Practice Committee.

4.4 The student will be permitted to transfer to another programme within the University provided that: the programme does not lead directly to a professional qualification or the right to practice a particular profession; 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 7 Policy on Dignity and Respect (Students)

Scope and Purpose of the Policy

This policy relates to all students of DMU. Every student is personally liable under the Equality Act 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 one member of the DMU community by another. DMU believes that each individual should be afforded dignity and respect and that each individual should in turn treat others with dignity and respect.

> *'We are a University of quality and distinctiveness, distinguished by our life-changing research, dynamic international partnerships, vibrant links with business and our commitment to excellence in learning, teaching and the student experience. We celebrate the rich cultural diversity of our staff, students and all our partnerships'. (DMU mission statement 2011* ***http://www.dmu.ac.uk/about-dmu/mission-and-vision/mission-and-vision.aspx*** *)*

The purpose of this policy is to promote the development of a working environment in which these unlawful 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 potential student feels they are being discriminated against, harassed, bullied or victimised during their engagement with DMU.

A separate policy on Bullying and Harassment at Work exists for staff and advice on this may be obtained from the People and Organisational Development Directorate.

All students are reminded of the relevant clauses in the Disciplinary Code of the Student Regulations, in particular paragraphs 5.3 and 5.4.

> 5.3 Violent, indecent, disorderly, threatening, abusive or offensive behaviour 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 or any behavior which in the reasonable opinion of the designated senior member of staff or relevant Provost is likely to be regarded as constituting such misconduct;
>
> 5.4 Abusive, threatening or offensive language (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.

### 1. Definitions

1.1 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.

1.2 Unlawful discrimination - is behaviour or a policy or procedure which intentionally or unintentionally prevents individuals or groups who have a protected

characteristic, from engaging or taking part in an activity. 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 are disabled.
- 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.

1.3 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 either submitted to, or did not submit 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 are or are perceived to hold a particular religion or belief.

1.4 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.

Bullying can take the form of shouting, sarcasm, derogatory remarks concerning academic or practical vocational performance or constant criticism and undermining. Bullying is to be distinguished from vigorous academic debate or the actions of a teacher or supervisor making reasonable (but perhaps unpopular) requests or analysis of performance of their students.

1.5 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.

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. DMU's Commitment

2.1 DMU welcomes diversity and believes that every student has a right to work and study in an environment which encourages good relationships. DMU is committed to preventing unlawful discrimination, harassment, bullying or victimisation. The university's commitment to cultural diversity is expressed in its mission and vision statements.

2.2 DMU is a member of the Leicestershire 'Stamp it Out' Hate Crime Partnership led by Leicestershire Constabulary.

2.3 DMU Security take all incidents of bullying, harassment and victimisation very seriously and will record such reports and investigate as appropriate.

2.4 The Student at Risk Committee (SAR) within SAAS sits regularly to review cases of students deemed to be at risk to themselves or of posing a risk to others.

2.5 Every student is also personally liable under the Equality Act 2010 for their own actions. In cases of unlawful discrimination, harassment, bullying, or victimisation the University is required to consider students as third-party players. DMU is required to protect its staff, students, contractors and visitors from unlawful 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.

2.6 DMU will ensure that any student raising a genuine concern under this policy is not victimised as a result.

2.7 As allegations of 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.

## 3. Reporting and Responding

3.1 The over-riding principles in dealing with allegations or concerns of discrimination, harassment, bullying and victimisation are that they must be taken seriously, considered carefully and addressed speedily and where possible, in confidence.

3.2 Any student who feels that they are the subject of 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 discrimination, harassment, bullying or victimisation has the right to be

listened to and to be given informed advice on how the matter may be resolved. There are usually a number of options.

3.3 In the event that a student considers that they are experiencing discrimination, harassment, bullying or victimisation, they have a number of options open to them. They may be able to speak directly to the individual concerned or to write to them expressing their concerns and requesting that the behaviour stop immediately. Alternatively, or subsequently if they achieve no success, they may wish to talk to someone in order to obtain another perspective on the situation and to ensure that someone else knows about it and can take action with them to ensure that it stops. It is envisaged that the large majority of cases will be resolved by such informal procedures, which are described in more detail below, but a final option is to make a formal complaint.

3.4 Incidents of bullying, harassment or victimisation may be reported to:

- The Security Team. The team is available 24 hours a day and can be telephoned on 0116 2577642 or email in strict confidence **securitytl@dmu.ac.uk**.
- Programme leaders, personal tutors or faculty provosts.
- The Student Appeals & Conduct Officer, email in strictest confidence to probson@dmu.ac.uk.
- Residence Officers in halls of residence.
- Staff in the Leisure Centre.
- De Montfort Students' Union.

3.5 Where an incident is not resolved through an informal route, students may place a complaint through the Student Complaint Procedures (see **http://www.dmu.ac.uk/dmu-students/student-and-academic-services/academic-support-office/student-complaints/student-complaints-procedure.aspx**) to the Student Appeals and Conduct Officer.

## 4. Informal Processes

4.1 Confidentiality is very important in dealing with cases of alleged discrimination, harassment, bullying or victimisation as experience shows that they will be much more difficult to resolve informally if information about the matter becomes common knowledge. Anyone approaching a member of staff or other individual for advice may, however, wish to be accompanied by a friend.

4.2 If, after having been approached, the adviser wishes to obtain guidance on how to deal with an alleged case of discrimination, harassment, bullying or victimisation they should seek the agreement of the person who has confided in them to that course of action and then consult with the Student Appeals and Conduct Officer. If the individual does not feel able to help in a particular case,

they should explain the reasons to the complainant and refer them to another adviser.

4.3 Once the facts about the incident and the context of the action or behaviour that caused concern are established, there are a number of informal options available to the adviser to facilitate resolution of the matter. For example, the person who has experienced discrimination, harassment, bullying or victimisation could be encouraged to talk to the alleged perpetrator on their own or with a friend, who should be a member of DMU, accompanying them. The purpose of the conversation would be to make the perpetrator aware of the way their behaviour has been perceived and ask them not to repeat it. Alternatively, the adviser could facilitate a meeting between both parties to give the complainant the opportunity to talk to the alleged perpetrator and explain their view of the offending behaviour. Normally, the adviser should not take action following an informal approach concerning discrimination, harassment, bullying or victimisation without the agreement of the individual concerned.

4.4 As well as aiming to resolve matters informally, advisers should consider appropriate action to facilitate the restoration of working relationships after the event.

4.5 The action outlined above will be appropriate in many cases and will often be sufficient to resolve the matter. If, however, an informal approach does not achieve satisfactory results, or the nature of the incident(s) prompts the person who feels harassed to take a more formal approach, a formal complaint can be made in writing to the Student Appeals and Conduct Officer or the Head of Security.

4.6 In order to ensure consistency of approach and accurate statistical data with relation to cases of discrimination, harassment, bullying or victimisation all cases (however minor) should be reported to the Student Appeals and Conduct Officer by any member of staff who has counselled a student. Information should be sent via email and detail the names of the students involved and basic facts about the nature of the case. All such information will be treated with the utmost confidentiality.

## 5. A Formal Complaint

5.1 It is envisaged that the great majority of cases of discrimination, harassment, bullying and victimisation will be resolved by the informal procedures outlined above. However, Formal action may be considered where informal action proves ineffective, or where a student feels that an informal approach is not appropriate. A formal complaint must normally be registered in writing, as soon as possible after the incident concerned, with the Student Appeals and Conduct Officer.

5.2 A formal complaint of discrimination, harassment, bullying or victimisation should include the nature of the complaint, with reference to dates, times and places (where possible) in relation to a specific incident(s). The names of any witness(es) to the incident(s) should also be included.

## 6. Investigating a Formal Complaint

6.1 On receipt of a formal complaint where the alleged perpetrator is another student, the Student Appeals and Conduct Officer will handle the matter according to DMU's Disciplinary Code and Procedure as described in the General Regulations. Accordingly, the Student Appeals and Conduct Officer will discuss with the complainant whether further action should be taken under the Disciplinary Code and whether or not the police should be informed.

6.2 Where the alleged perpetrator is a member of staff, the Student Appeals and Conduct Officer will discuss with the complainant whether further action should be taken and, if so, will refer the complaint to the Director of People and Organisational Development. The Director will then inform the student of the procedure to be followed.

6.3 Where the situation is more complex than outlined above, for example in cases of alleged group discrimination, harassment, bullying or victimisation involving both staff and students, the Student Appeals and Conduct Officer will liaise with the Director of People and Organisational Development to decide how best to proceed.

6.4 Formal complaints about a Dean, or Pro Vice Chancellor should be referred to the Vice Chancellor. A complaint about the Vice Chancellor should be addressed to the Chair of Governors.

6.5 Formal Complaints about a Director should be made to the Director of People and Organisational Development.

6.6 Details of the arrangements for appeals are available from the Student Appeals and Conduct Officer and the Director of People and Organisational Development.

## 7. Monitoring of the Policy

7.1 The 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.

## 8. Personal Relationships at Work

8.1 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 web site.

## 9. Use of DMU Computers and ID

9.1 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.

## Chapter 3 Provision for students whose behaviour causes concern

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.

### Introduction

The University understands that an individual 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. Intervention under these provisions may also be appropriate in the case of a student who fails to recognise that s/he is suffering from a communicable disease and/or fails to notify the University of their condition as soon as it is practicable to do so. In these circumstances the University recognises that 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 his/her difficulties while protecting the student, the public and the work of the University.

Any student subject to these provisions is encouraged to seek advice and support from one of the University's support services located in Student Services such as the Counselling and Personal Support or Disability Advice and Support services and/or an independent source, for example the Leicester Action for Mental Health Project (LAMP), the Mental Health Foundation, MIND, or the De Montfort Students' Union (DSU).

The University reserves the right to invoke its general and/or other regulations and disciplinary procedures, including in cases where behaviour which causes concern is in contravention of The Disciplinary Code but is not directly attributable to a known medical condition or disability (see Chapter 2 of these Regulations).

### 1 Invoking the procedure

This regulation will be invoked in cases where the student has been offered, or has been advised to seek, specialist support, for example from the University's Mental Health Adviser or a counsellor from the Counselling and Personal Support Service or from an external agency such as their own general practitioner, and has refused to engage with the appropriate support mechanism or has failed to do so as soon as is practicable or has so engaged, and their behaviour continues to cause concern.

1.1 Student Consent

The University will seek to obtain the student's written consent to invoking this procedure. The University reserves the right to suspend a student who withholds his/her consent if their behaviour continues to cause concern, until such time as consent is given or the student can demonstrate that his/her behaviour will no longer cause the University concern.

### 2 Reporting behavioural problems

Where a student demonstrates such behaviour, the Dean of the student's Faculty, the Student Appeals & Conduct Officer, the Director of Student & Academic Services or the Head of Security, as appropriate, should inform the designated senior member of

staff in writing[1]. Such a written report must demonstrate that every reasonable effort has been made to encourage the student to seek specialist support and that the student has either refused to seek appropriate support or has done so but their behaviour continues to cause concern.

When preparing such a report it must be borne in mind that written information provided to the designated senior member of staff will be shared with the student concerned.

If the report is made by the Director of Student & Academic Services, the Student Appeals & Conduct Officer or the Head of Security, then the Dean of the student's Faculty must be informed.

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 Faculty Fitness to Practise Lead should be informed that this procedure has been invoked.

## 3 Suspension

At any time, and in accordance with the General Regulations and Procedures Affecting Students, Chapter 2, Paragraph 14, the designated senior member of staff may suspend the student pending the outcome of proceedings under either this regulation or any other University regulation(s) subsequently invoked, if he/she believes it is in the best interests of either the student or others to do so. The designated senior member of staff may therefore suspend a student who does not agree to this procedure being invoked where, for example, he/she believes it would be in that student's own interests and/or in the interests of the wider University community to do so.

The designated senior member of staff may, upon the student giving a firm undertaking to fulfil a condition or conditions, lift or withhold the imposition of a suspension for so long as the student fulfils the condition or conditions.

## 4 Preliminary Meeting

The designated senior member of staff, or his/her duly authorised nominee, shall meet with the student to obtain his/her consent to this regulation being invoked. The student shall normally be given at least seven days notice of the meeting in writing (or alternative format as appropriate). The meeting may be arranged sooner if the designated senior member of staff deems it necessary or with the agreement of the student.

The student may be accompanied to this and all subsequent meetings by a representative (as defined in the Glossary prefixed to the General Regulations and Procedures Affecting Students).

4.1 At the meeting the designated senior member of staff, or his/her duly authorised nominee, will explain the procedures under this regulation to the student. The meeting is intended to make the process clear to the student to inform their consent, not to discuss in any detail the student's behaviour which has given cause for concern. However, in order that the student may give informed consent

[1] The reporting officer is advised to seek advice on whether to report a student and what his/her report should contain from the Director of Student & Academic Services.

the designated senior member of staff will share the report with the student at this meeting.

4.2 At the meeting the designated senior member of staff, or his/her duly authorised nominee, will seek the student's written consent to this regulation being invoked in his/her case, using the form provided [2]. The consent of the student should not be unreasonably withheld. The University reserves the right to suspend a student who withholds his/her consent.

4.3 In giving his/her consent the student accepts that sensitive personal information may be discussed at this and any subsequent meeting(s) held in accordance with this regulation and/or any subsequent disciplinary procedure and consents to such discussions occurring in the presence of any individuals it is agreed, or decided by the designated senior member of staff, should be present. The student also accepts that a record will be made of such discussions and kept by the Dean of the relevant Faculty. The record will be held in confidence by the Dean, separate from the student's academic file and in compliance with the University's regulations and practice. A note will be placed in the academic file that the Dean holds further information.

4.4 The designated senior member of staff, or his/her duly authorised nominee, and the student shall use every effort to agree the identity of a relevant professional individual or organisation who will prepare a report of recommendations to be used in a case conference to be convened by the designated senior member of staff (see paragraph 5 below).

4.5 Where agreement on the identity of a relevant professional individual or organisation to prepare a report cannot be reached, with the student's consent, the University will seek guidance, within 14 days of this meeting, either from the student's own general practitioner or from a general practitioner at the Student Health Centre. Such guidance at this stage will be limited to identifying a professional individual or organisation to prepare the required report. The consent of the student should not be unreasonably withheld.

4.6 The designated senior member of staff, or his/her duly authorised nominee, in consultation with and, if possible, the agreement of, the student shall instruct the professional individual or organisation identified in paragraphs 4.4 and 4.5 above to prepare a report of recommendations. The student will receive a copy of these written instructions, whether or not the student has agreed to them.

## 5 Action by the Designated Senior Member of Staff

Upon receipt of the report from the professional individual or organisation identified in paragraph 4.4 above, the designated senior member of staff shall convene a meeting to consider the student's case. A copy of the report will normally be sent to the student within three working days of receipt by the designated senior member of staff and the meeting should normally take place within 14 days of the report being sent to the student.

If, however, the author of the report is of the opinion that the student having sight of the report prior to any further meetings would be detrimental to the health or welfare of the

[2] This form is available from the Student & Academic Services and includes the student's consent to the sharing of sensitive personal data within the context of this procedure.

student or others, the designated senior member of staff may suspend the procedure whilst seeking further guidance from the author of the report or any other person or organisation they recommend. In these circumstances the student will be notified in writing that the procedure is suspended.

5.1 The following will be present at the meeting convened by the designated senior member of staff:

**A Case Team consisting of:**

- The designated senior member of staff (leading the meeting).
- A member of academic staff who knows the student, for example the student's mentor, Head of Studies or supervisor.
- A member of Student & Academic Services staff with relevant experience, for example the Mental Health Inclusion Manager, a disability officer or a counsellor.

**Also present:**

- The student.
- If the student so wishes, his/her representative (as defined in the Glossary prefixed to the General Regulations and Procedures Affecting Students), who may speak on the student's behalf. If the student wishes to exercise this right s/he shall inform the designated senior member of staff in advance of the meeting, in writing, at least three clear working days before the meeting.
- A note-taker.

5.2 In attending the meeting the student accepts that sensitive personal information may be discussed at this and any subsequent meeting(s) and consents to such discussions occurring in the presence of any individuals it is agreed, or decided by the designated senior member of staff, should be present. The student also accepts that a record will be made of such discussions and kept by the Dean of the relevant Faculty. The record will be held in confidence by the Dean, separate from the student's academic file and in compliance with the University's regulations and practice. A note will be placed in the academic file that the Dean holds further information.

5.3 As this provision is intended to help students, the meeting should as far as possible be conducted in a safe and supportive manner. Conduct of such a meeting is not therefore prescribed but the following elements should be allowed:

5.3.1 The student may present evidence either before or during the meeting. Where such evidence is written, a copy should be lodged with the designated senior member of staff at least three clear working days before the meeting.

5.3.2 The student shall have the opportunity of asking questions of any of the individuals present at the meeting. Similarly, any of the other individuals present shall have the opportunity of asking questions of the student and

his/her representative (if present).

5.3.3 The designated senior member of staff may adjourn the meeting to seek further third party evidence, for example from an occupational health specialist, where either he/she deems it necessary or where all parties in attendance agree such evidence should be taken. Where possible the adjournment will take place upon terms agreed by all parties. The period of adjournment should be kept to a minimum and should not normally last beyond, at most, 21 days.

5.3.4 The designated senior member of staff shall ensure that a full record of the meeting, including any written evidence received, shall be made.

This record shall be lodged with the Dean of the relevant Faculty within 14 days of the meeting. The record will be held in confidence by the Dean, separate from the student's academic file and incompliance with the University's regulations and practice. A note will be placed in the academic file that the Dean holds further information.

5.3.5 The Case Team shall make a decision as quickly as possible, and in any event, within seven days after hearing all of the evidence (see paragraph 6 below for possible outcomes). The student will be informed of the decision in writing by letter (or alternative format as appropriate) sent to his/her last recorded address, or any other postal address the student has stipulated such correspondence may be sent to, within seven days of the decision being made.

5.3.6 The designated senior member of staff shall inform the Dean of the student's faculty, and any other individuals he/she deems it necessary should know, of the decision within seven days of the decision being made.

5.4 Student unable to attend

In the event that the student feels unable to attend the meeting as arranged due to a medical condition, the University will make every reasonable effort to enable the meeting to take place, for example by moving the meeting to a time or location with which the student feels comfortable.

Alternatively, the student may ask the Case Team to consider the case in their absence on the basis of written reports which may include a written statement from the student or his/her representative.

If, despite the University's best endeavours, the student feels unable to attend a Case Team meeting the meeting may take place in their absence.

## 6 Outcomes

The Case Team 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. Such decisions may include accepting in full or in part, or rejecting the recommendations of the professional individual or organisation instructed to prepare the report of recommendations. Without in any way limiting their

discretion, such decisions may include:

6.1 Suspension (or continued suspension) of the student for a fixed term, if appropriate referring the student for specialist assistance.

6.2 Suspension (or continued suspension) of the student for an unspecified period of time, pending medical or third party evidence of fitness to resume studies.

6.3 Resumption of studies, subject to any conditions which the Case Team may wish to impose.

6.4 Termination from the programme and possible transfer to a different programme, subject to any conditions which the Case Team may wish to impose and provided also that:

6.4.1 The student's behaviour would not render them unfit for admission to and/or to practise a profession or calling to which the new programme directly leads.

6.4.2 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.

6.4.3 There is a place available on the new programme.

6.4.4 The student is accepted as a suitable candidate by the Faculty for the new programme.

6.5 Referral for disciplinary investigation. Where there is no evidence to suggest that the behaviour giving cause for concern is due to a medical condition, mental illness or disability, the University reserves the right to refer the case for disciplinary investigation in accordance with Chapter 2 of these General Regulations. The University reserves the right to continue to suspend the student pending the outcome of the investigation and any subsequent disciplinary hearing, in accordance with Chapter 2, Paragraph 2 of these General Regulations.

6.6 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 University reserves the right to refer the case to the Faculty Fitness to Practise Lead for further investigations if deemed necessary.

6.7 A review of the decision by the Case Team after a specified period of time.

## 7 Appeals

The student may appeal against the decision of the Case Team by making written representation to the Vice-Chancellor, normally within 14 days of the date on which the outcome of the Case Team meeting was posted, or otherwise communicated to them. The Vice-Chancellor's decision shall be final and not subject to review by any other University body.

## Chapter 4 Academic offences and bad academic practice

### 1 Introduction

Students are expected to write assignments 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 only when absolutely necessary. Students should also note that there are conventions when quoting the work of others which should be followed.

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. Further information and guidance can be accessed via the Library pages on the University's website.

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.

### 2 Definitions

**Bad academic practice** is the presentation of work that is not the student's own as if it were. It is the 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.

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:

2.1 Cheating in examinations

A candidate commits the offence of cheating in an examination if s/he:

- Deliberately acquires advance knowledge of the detailed content of the examination
- Copies from the examination script of another candidate
- Allows another candidate to copy from his or her examination script
- Obtains any other assistance from another candidate
- Uses or has access to unauthorised material (as defined in 2.2 below)
- Impersonates another examination candidate or allows himself or herself to be impersonated
- Provides information to another candidate in an examination
- Has access to an electronic communication device

- Does any other thing with the intention of gaining unfair advantage over other candidates.
- Refuses to comply with a reasonable request made by a member of University staff where they suspect an incidence of cheating.

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

2.2 Unauthorised material is defined as any textual or numeric material or any device which is not explicitly identified as authorised material in the examination paper rubric, and which may reasonably be considered to offer a candidate an unfair advantage.

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 his or her examination desk.

2.3 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.

This definition of plagiarism also extends to non-written forms of production (for example, in performance, design, the making of artifacts 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.

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 text being found. A student's work may be submitted anonymously at the student's request.

2.4 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 s/he has not, in fact, carried out.

2.5 Collusion

Collusion 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 connived to deceive. Being party to collusion in providing material for another student is just as much an academic offence as using such material. Collusion is recognised by the duplication of passages or phrases in written work or in oral presentations, or equivalent duplication in non-written forms, and it necessarily involves a conspiratorial attempt to deceive. 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, organize and write an assignment in a group of two or more, the student must plan, organize and write assignment work individually.

2.6 Repeated bad academic practice

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

2.7 Reuse of assessed material

It is an academic offence to include in 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. Students can thus 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

3.1 Informing the Academic Practice Officer and Chair of the Assessment Board or (in the case of a research student) Dean of Faculty/Research Centre

3.1.1 Bad academic practice

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

- at level 4, either by a module leader or other appropriate member of the academic staff without reference to an Academic Practice Officer
- or, where a module leader is unable to make a clear distinction between bad academic practice and plagiarism, by the appropriate Academic Practice Officer.

The appropriate Academic Practice Officer should be consulted on all suspected instances of Bad Academic Practice at levels 5, 6 and Masters level.

In addition, an Academic Practice Officer will always have the discretion to judge that a piece of work submitted to him/her on suspicion of plagiarism instead constitutes Bad Academic Practice.

3.1.2 Cheating in examinations

In accordance with the requirements of the Instructions to Supervisors/Invigilators, a supervisor or 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.

3.1.3 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, s/he shall report the matter to the appropriate Academic Practice Officer and notify the Chair of the candidate's assessment board for information.

In the case of a research student, the matter shall be reported to the Dean of Faculty.

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

3.2 Actions taken by the Academic Practice Officer/Dean of Faculty/Research Centre (the latter for research students)

3.2.1 Consultation with the Director of Student & Academic Services

In the case of a research student the Dean of Faculty will first consult the Director of Student & Academic Services (or his/her appointed nominee). 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 Director or nominee can also provide guidance on appropriate courses of action in order to provide for consistency and fairness across the University.

3.2.2 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. 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.

**In cases other than bad academic practice**, within ten working days of receiving a report from Student & Academic Services, a member of staff or from an examiner, the Academic Practice Officer (or Dean of Faculty for research students), shall take action to inform the student concerned in writing of the allegation and invite the student to a formal hearing. At the hearing the student may make representations and submit any appropriate evidence.

**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.

In the case of a **research student,** this will normally be the Head of Postgraduate Studies unless s/he has been involved in notifying the allegation to the Chair/Dean.

The student is entitled to be accompanied by a representative (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.

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

- To take no further action if s/he believes there is no case to answer
- To take action in accordance with the options given in the Bad Academic Practice tariff guide (Annex 1 to this Chapter) or the Academic Offences tariff guide (Annex 2 to this Chapter).
- To refer the case to the Academic Offences Panel as a major offence (see 3.2.3 below)

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 and will normally be determined on those elements of the work which are not impaired by bad academic practice. Alternatively, and in exceptional circumstances only, the Module Leader may require the work to be resubmitted.

In all cases the Academic Practice Officer/Dean will record the decision and inform the Director of Student & Academic Services (or his/her appointed nominee) of the outcome.

3.2.3 Cheating which consists of access to or use of unauthorised material in an examination may be dealt with in accordance with the tariffs set out in Annex 1 and Annex 2 to this Chapter.

However if a student has clearly exercised considerable ingenuity and forethought in preparing and/or secreting unauthorised material or there is any evidence or suspicion of collusion, the Academic Practice Officer may wish to refer the matter to the Academic Offences Panel.

3.2.4 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 and (if cheating) meets the conditions set out in 3.2.3 above, the matter will be dealt with in accordance with the tariffs set out in Annex 1 and Annex 2 to this Chapter.

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.

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

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.

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

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 his/her case, giving reasons, to the Director of Student & Academic Services (or his/her appointed nominee) in writing within 10 working days of the date on which the Academic Practice Officer notified the decision to the student.

On receipt of such written representation the Director or nominee will review the action taken by the Academic Practice Officer. If there are good grounds for the appeal, the Director will appoint two Academic Practice officers from outside the student's Faculty to consider the case. The decision of the Director of Student & Academic Services (or his/her appointed nominee) shall be final and not subject to review by any other University body.

3.3 Referral to Academic Offences Panel

Cases involving students on taught programmes must be referred to the Academic Officer in accordance with the guidance given in the tariffs at Annex 1 and Annex 2 to this Chapter.

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

**All cases involving research students in which the Dean believes there may be substance to the allegations must be referred to the Academic Offences Panel**.

If the Academic Practice Officer/Dean 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.

If the matter is referred to the Academic Offences Panel, the Academic Practice Officer/Dean 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/Dean wishes the Panel to consider. The APO will normally be required to attend the Panel meeting.

## 4 Academic Offences Panel

An Academic Offences Panel shall consist of:

- Chair: the Vice-Chancellor, a Pro Vice-Chancellor/Dean or a Deputy Dean
- The President of the Students' Union or his/her nominee who shall be 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. A list of eligible staff in this category to be approved for the purpose by the Academic Board.
- In the case of a research student, a member of the Higher Degrees Committee.
- The Director of Student & 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.

No member shall have been involved in the case concerned.

## 5 Protocols for the conduct of an Academic Offences Panel hearing

5.1 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.

5.2 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.

5.3 It is expected that the Academic Practice Officer who has been involved in the case will normally attend the panel hearing to present the faculty's case to the Panel.

5.4 The accused student and the person making the allegation (in the case of a taught course student, normally the Academic Practice Officer) will be given at least 10 working days notice in writing of the Panel meeting and of the procedures to be adopted at the hearing. Due notice of the hearing will be considered to have been given on sending the notice and supporting information, by recorded delivery, to the student's last recorded address. The case may then be heard whether or not the student attends for the hearing.

5.5 The procedure adopted by the Panel shall always accord with common fairness and shall provide for the following:

5.5.1 The accused student has the right to appear and be heard and to be accompanied by a representative (as defined in the glossary prefixed to the General Regulations and Procedures Affecting Students), who may speak on the student's behalf. If the student intends to exercise the right to be accompanied by a representative, s/he shall so inform the Academic Registrar in writing in advance of the hearing.

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

5.5.3 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 Subject Authority Board (or Assessment Board) for recording.

5.5.4 Subject to the student's right of appeal, the Director of Student & Academic Services (or his/her 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 Director of Student & Academic Services will issue the notification of expulsion. Copies of the notification shall be sent to the appropriate Dean of Faculty, Head of Studies, Head of Department, the President of the De Montfort Students' Union and, in the case of a research student, the Chair of the Higher Degrees Committee.

## 6 Guidance notes on the conduct of a Panel hearing

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

6.1 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.

6.2 The student should be reminded of the charge against him/her and asked whether s/he admits or denies the charge.

6.3 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.

6.4 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.

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

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

6.7 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.

6.8 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 8 below).

## 7 Outcomes

7.1 <u>Students on taught programmes</u>

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:

7.1.1 Expel the student; the expulsion to incorporate failure of any and all assessments or examinations taken during that session.

7.1.2 Reduce the degree classification achieved or to be achieved by the student by one class (applicable to final level students only).

7.1.3 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.

7.1.4 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.

7.1.5 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.

7.1.6 Refer the matter back to the Academic Practice Officer for reconsideration under their powers and in accordance with the tariff in Annex 1 and Annex 2 to this Chapter.

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.

The outcome shall be reported to the appropriate Assessment Board.

7.2 Research students

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.

The outcome shall be reported to the Higher Degrees Committee.

7.3 Students on courses leading to professional qualifications

7.3.1 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 external professional representative (see paragraph 3 above) may impose an appropriate penalty or penalties and in addition, if the penalty is not expulsion, may terminate 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;
- The student is accepted as a suitable candidate by the faculty for the new programme

7.3.2 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.

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 6.3.1 are met.

7.4 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 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.

## 8 Appeal against the decisions of an Academic Offences Panel

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 set out in section 4 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

In the event of an appeal, the decision of the Panel will not be carried out until the appeals process is concluded.

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

9.1 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 8 above, and providing appropriate documentary evidence. This notice of appeal must be submitted to the Director of Student & Academic Services as 'hard copy' on paper, personally signed by the student, and must reach the Director within 10 working days of receiving formal notification of the Academic Offences Panel decision.

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

9.3 On receipt of such a notice the Director of Student & Academic Services (or her appointed 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.
- The President of the Students' Union or his/her nominee who shall be a member of the Students' Union Executive Committee.
- A member of the Academic Board chosen from Class C or Class D membership.

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

9.4 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 of appeal will be considered to have been given on posting the notice and supporting information, by recorded delivery, to the student's last recorded address, not 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.

If the student, on good grounds, wishes to object to any member of the Appeals Committee, the student shall submit his/her objections in writing to be received by the Director of Student & Academic Services at least 5 working days before the hearing. If the grounds are upheld, an alternative member of the Committee will be identified with due care to ensure that there are no good grounds for the accused student to object to the substitute member.

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

9.5.1 The appellant has the right to appear and be heard and to be accompanied by a representative (as defined in the glossary prefixed to the General Regulations and Procedures Affecting Students).

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

9.5.3 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.

9.5.4 The Academic Offences Appeals Committee shall inform the Director of Student & Academic Services and the Dean of the student's Faculty of its decision.

**Annex 1: Normal Tariffs for Bad Academic Practice and Academic Offences**

<table>
<tr><th>Activity</th><th>Instance</th><th>Student Level</th><th>Action</th></tr>
<tr><td rowspan="5">Bad Academic Practice<br><br>a) Low level duplication with poor citation, for example errors made through carelessness or misunderstanding<br><br>or<br><br>b) Passing off ideas, data or other information as if originally discovered by the student</td><td rowspan="2">First instance</td><td>Level 3/4</td><td>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). (1)</td></tr>
<tr><td>Levels 5, 6 or 7 (2)</td><td>Staff refers to APO normally by email so there is a record and informs student when feeding back on assignment.<br><br>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. (1)<br><br>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.(4)</td></tr>
<tr><td rowspan="2">Second or more consecutive instances</td><td>Level 3/4</td></tr>
<tr><td>Levels 5, 6 or 7 (2)</td><td>APO to investigate and using precedents makes judgement. Outcomes can include:<br>1. Following discussion with the Head of Academic Services, APO refers case to Academic Offences Panel. (3)<br>2. APO recommends student fails module(s) (with a mark of zero).(4)<br>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)<br>4. The APO may require student to take remedial action as appropriate and in accordance with reassessment regulations. (5)<br>5. The APO recommends that the mark awarded should reflect the proportion of work that is original content. (1)</td></tr>
<tr><td>Multiple concurrent instances</td><td>All Levels</td></tr>
<tr><td>Academic Offence<br><br>a) Cheating in examinations<br><br>b) Plagiarism<br><br>c) Fabrication of results<br><br>d) Collusion<br><br>e) Re-use of assessed material<br><br>f) Acquiring and submitting an assessment not written by the student him/herself<br><br>g) Other academic offences</td><td>Any instance</td><td>All Levels</td><td></td></tr>
</table>

**Notes**

(1) Recorded through notes of a meeting which shall be signed by the member of staff and the student. Copy included in the student file and copy to the APO. (The APO shall use this to check for repeat instances and provide statistics to the Faculty Academic Committee and Academic Board).

(2) Where the student is a direct entrant to Levels 5, 6 or 7, the tutor should discuss the case with the APO to decide how best to deal with the Bad Academic Practice.

(3) For Academic Offences Panel Penalties see General Regulations and Procedures Affecting Students, Chapter 4, paragraph 7.

(4) APO recommendations are made to the relevant Programme Assessment Board; the University assumes that the Board will normally accept these recommendations. In cases of collusion where the student involved (usually the one giving their work to another) has already completed the module and the mark has been confirmed by the relevant Assessment Board, the APO can recommend to a subsequent Assessment Board the imposition of a maximum retrospective penalty of capping the module.

(5) Re-assessment as appropriate to the nature of the module, by re-examination, re-submission of work with or without attendance etc.

## Annex 2

### Academic offences committed overseas (taught courses)

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.

- The provisions of sections 2.1 and 2.2.1 above shall apply except that the Academic Practice Officer of the relevant Assessment Board shall take action to inform the student of the allegation within 14 days of the offence being brought to his/her 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 Head of Academic Services, detailing the allegations and requesting agreement to proceed to the establishment of a Panel.

- If agreement is given, the Head of Academic Services shall, in consultation with the Academic Practice Officer, the appropriate 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 Head of Academic Services.

- The Head of Academic Services will seek the agreement of the appropriate Pro Vice-Chancellor to the recommendations of the Panel and will then formally notify the student of the University's decision.

Any difficulties arising during this process will be referred by the Head of Academic Services to the appropriate Pro Vice-Chancellor who will resolve the matter as s/he sees 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, on 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.

**Notes:**

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.

The deferral of assessments is not an appropriate measure in respect of permanent or long-term conditions. Students with prolonged chronic illnesses or disabilities should instead contact Disability Advice and Support in Student & Academic Services for advice, which might include special arrangements in examinations or interruption of studies. Examples of such chronic conditions may include asthma, allergies, depression or migraine.

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 Definitions

1.1 **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 coursework or assignments, as determined by the relevant Panel (see paragraph 3 below).

1.2 **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.

1.3 **Extenuating circumstances** are genuine circumstances beyond a student's control or ability to foresee, and which **seriously** impair his or her assessed work.

1.4 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.

1.5 Criteria for considering requests for deferral

The student must provide evidence of circumstances relating directly to a stated assessment or 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 his or her assessed work, they must demonstrate the following degree of seriousness:

- Serious illness or death of a member of the immediate family; normally 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.
- A serious accident or acute illness occurring immediately before or at the time of the assessments concerned.
- Other unforeseen circumstances, of equivalent weight, that have seriously disrupted the ability to study, for example the need to care for a very ill child over a number of weeks.

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 holiday or travel arrangements, including allowance for delays and cancellations.

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.

## 2 Rights and responsibilities

2.1 Rights and responsibilities of students

2.1.1 Any student has the **right** to draw the attention of the University to personal extenuating circumstances which seriously impair his or her 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.

2.1.2 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 and from Student & Academic Services. The form must clearly list **each** assessment for which deferral is being requested and be personally signed by the student before submission.

2.1.3 It is the student's **responsibility** to obtain the evidence required to allow the Panel to reach a decision. The University will require 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.**

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** examination results are published. Submission of a deferral request form after the release of examination results will **not** be accepted.

**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.

2.1.4 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.

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.

2.1.5 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 & 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:

- All requests must be submitted to the Faculty Office.

Forms should be submitted as close in time as possible to the circumstances which they describe and must be received by the deadlines stated in section 3.2.1 below, 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.

2.2 Rights and responsibilities of University staff

2.2.1 **Student & Academic Services** is responsible for issuing a receipt as evidence of submission of requests from students on **undergraduate programmes** for deferral of formal examinations.

**Student & Academic Services** is responsible for ensuring that all eligible cases are referred to the Academic Board Panel or its nominated representative (see paragraph 3.1.1 below).

2.2.2 **The Faculty Office** is responsible for issuing a receipt as evidence of submission of requests from students on **undergraduate programmes** for deferral of undergraduate coursework and faculty based tests.

**The Faculty Office** is responsible for issuing a receipt as evidence of submission of requests from students on **taught postgraduate programmes** for deferral of any assessment.

**The Faculty Office** is responsible for ensuring that all such cases are referred to the appropriate Faculty Panel (see paragraphs 3.1.2 and 3.1.3 below).

2.2.3 **Panels considering requests** for deferral have the **right** to reject late submissions and circumstances which do not relate in time to the assessment concerned.

2.2.4 **Student & Academic Services** is responsible for ensuring that the student is notified in writing of the outcome of their application for deferral of formal examinations.

**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 and faculty-based tests.

2.2.5 **Panels considering requests** for deferrals in formal examinations have the **right** to approve the deferral of **all** examinations (not merely those requested) if the evidence submitted crosses the whole exam period.

## 3 Procedure for consideration of requests

3.1 Constitution of Panels

3.1.1 The Academic Board Panel is chaired by the Head of Academic Services and comprises: the Student Appeals & Conduct Officer, a Head of Studies, a representative of Student & Academic Services and a representative of the Students' Union.

The Academic Board Panel, or its nominated representative, will consider requests from students on undergraduate programmes for deferral of formal examinations. In order to consider requests in a timely manner they will be assessed initially by the nominated representative who has the authority to accept straightforward requests. Other requests will be considered by the Panel.

3.1.2 **Each Faculty** has established its own Panel to consider requests from students on **undergraduate programmes** for deferral of **coursework or faculty-based assessments** (such as phase tests).

**The Faculty Panels** are chaired by the Faculty Head of Studies and their membership comprises appropriate senior academic staff and the Faculty Manager (or nominee).

3.1.3 **The Faculty Panel (constituted as in paragraph 3.1.2)** will consider requests from students on **taught postgraduate programmes** for deferral of **all assessments** for their programme.

3.2 Panel Procedure

3.2.1 All Panels convene immediately preceding and immediately following the examination period in the summer term. They also meet immediately following the examination period in August. Deadline dates by which requests and accompanying evidence must have been received by Student & Academic Services and faculty offices are published annually[1].

Requests received after the deadlines will be dismissed (see paragraph 2.1.5 above). Requests received after results have been published for the assessments for which deferral is sought will not be considered.

For undergraduate examinations that fall outside the main examination periods, the deadline will be 14 calendar days from the date of the assessment concerned.

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 his/her nominee) in consultation with another Panel member.

3.2.2 Each Panel shall consider the evidence provided in support of the application for deferral of assessment (see paragraphs 2.1.3 and 2.1.4 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.

3.2.3 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.

[1] In leaflets available from Faculty Offices and Student & Academic Services, on myDMU, on the back of the deferral request form.

3.2.4 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.

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.

3.2.5 On receipt of such an appeal the Student Appeals & 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 Director of Student & Academic Services who will consider the case.

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

3.2.6 The decision shall be immediately reported to the appropriate Assessment Board and notified to the student in writing.

## 4 Circumstances affecting deadlines for coursework

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.

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, his/her performance in a piece of coursework has been seriously impaired by extenuating circumstances, the student (if on an undergraduate programme) may apply formally to the Faculty Panel or (if on a taught postgraduate programme) to the Programme Board for full deferral of assessment or coursework.

## 5 Attendance at examinations and other scheduled tests

Whenever a student is absent from an examination or other scheduled test it is in his/her 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.

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.

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.

## 6 Professional Body requirements

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, local Faculty arrangements for notifying students of the relevant procedures will obtain.

## 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;

1.1.2 Arrive at the examination room at least 15 minutes before the start of the examination;

1.1.3 Note that if a candidate is absent from an examination a mark of zero will be awarded unless a deferral for that examination has been granted [1].

1.1.4 Read carefully the instructions on the examination paper and the examination answer book;

1.1.5 Note that the University reserves the right to schedule examinations and assessments on any day of the week;

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 his/her script by unfair means, or communicate with another/others inside or outside the examination room.

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[2] 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 NUS/University Registration Card (or signed reassessment form in the case of students resitting without attendance) at every examination which they take. Candidates should place their cards (or forms) on their examination desk for inspection by an invigilator.

1.7 Candidates must bring their own pens, pencils, ink and ruler, and may use drawing instruments. These materials may only be brought into the examination room in clear plastic bags. Any additional materials may only be used when issued by the invigilator or where specifically allowed in the rubric of the examination paper.

[1] The procedure for requesting deferral in an examination is explained in Chapter 5 of these Regulations.
[2] As set out in Chapter 4 of these Regulations

1.8 Candidates may not bring into the examination room any electronic device unless approved in advance. For the purposes of this regulation, examinations shall include any formally assessed session, including, for example, assessed laboratory sessions.

Non-compliance with this regulation will be regarded as an academic offence and will be dealt with under the Academic Offences Regulations.

1.9 Unless specifically prohibited, a candidate may use an electronic calculator which performs the usual arithmetic functions (addition, division, calculation of percentages, etc).

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. Invigilators may confiscate such devices, and will not provide an alternative calculator in this eventuality.

As a general rule, invigilators are therefore liable to confiscate calculators with a **full alphabet face** unless the rubric specifically allows for their use.

1.10 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.

1.11 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.

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.

**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.**

1.12 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.

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 or words within the content of their examination question paper unless specifically prohibited in the rubric of a particular examination paper.

1.13 Candidates are not permitted to smoke in the examination room. No candidate may bring food or drink into the examination room unless authorised to do so by an invigilator. Candidates are expected to bring only food and drink that has a minimal impact on the examination environment and other students. All food and drink may **only** be brought into the examination room in **clear** plastic containers.

1.14 No candidates may enter the examination room until authorised to do so by the senior invigilator.

1.15 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.**

1.16 Candidates will normally be allowed five minutes reading time before the start of the examination to read and check their papers. This will vary only where specifically stated in the rubric of the examination paper. 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 (under the guidance of the invigilators). However, candidates may not write notes or write in their answer books until the senior invigilator announces that they may start to do so.

1.17 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.

1.18 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.

1.19 If a candidate wishes to ask a question, s/he must raise a hand and wait until an invigilator is able to attend to him/her.

1.20 A candidate wishing to leave the examination room temporarily must first obtain the permission of the invigilator.

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 his/her script. **This timescale applies to all examinations, regardless of their duration.**

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.

1.21 To avoid disturbance to others, candidates may not leave the examination room during the last fifteen minutes of the examination.

1.22 No candidate shall continue writing after the 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.

1.23 At the end of the examination, candidates must remain seated until all scripts have been collected by the invigilation team.

1.24 Any candidate who is suspected of contravening any of the above regulations will be so advised by the senior invigilator who will endorse his/her script and inform the candidate whether s/he may continue with the examination.

## 2 Individual examination conditions

2.1 This provision applies to all students studying at a 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 & 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.

The deadline for completion of the application process is 31 March (23 July for resit/deferred exams) for students on standard undergraduate programmes. 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 & Midwifery programmes. **The University will not be able to make arrangements for individual conditions where applications are submitted after these stated deadlines.**

2.6 Students together with an appropriate member of staff in Student & Academic Services must complete a form “Individual Examination Arrangements”.

In line with the deadlines outlined in section 2.5 students must provide Student & Academic Services with the module codes and titles of the examination(s) in which they wish to access individual examination arrangements.

Further advice is available on the Student & Academic Services web pages.

2.7 Individual examination arrangements may be made by the Head of Academic Services or his/her nominee, who will consult with staff in Student & Academic Services and/or other staff as necessary. Requests for special equipment may be subject to resource limitations.

2.8 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:

2.8.1 Those with a permanent physical disability, which can be substantiated by medical evidence, which might impair their performance in any given examination;

2.8.2 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;

2.8.3 Those with a chronic and long-term medical condition, which can be substantiated by medical evidence, which might impair their performance;

2.8.4 Those students who have conditions as described in paragraphs 2.8.1 to 2.8.3 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.

2.8.5 Students who are pregnant.

## Chapter 7 Student personal data: capture, retention and disposal

### 1 Introduction

The University is committed to ensuring that the personal information of all students is handled in accordance with the principles of the Data Protection Act 1998. Students' personal data is held for the purposes set out in full in the University's notification to the Information Commissioner's Register of Data Controllers. By registering with the University, a student consents to their data being processed for those purposes which 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

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 the Data Protection Act 1998.

2.1 The University treats examination and assessment results with strict confidentiality. Results are communicated to students on an individual basis.

2.2 The University will confirm to each student the results which s/he has been awarded in respect of each individual assessment.

2.3 The assessment and grading of student performance, and decisions about intermediate and final awards, are the responsibility of the relevant Assessment Boards.

2.4 The results awarded to students for each individual assessment will be determined in accordance with the University and subject regulations.

2.5 As soon as possible after Assessment Board meetings, candidates will be informed of the final results which they have achieved in individual assessments.

2.6 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.

2.7 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.

2.8 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 2.7 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.

2.9 Applications by data subjects for access to machine-stored data otherwise than under the standard procedures set out in paragraphs 2.1-1.5 above will be dealt with as they arise. A fee will be charged to applicants for information provided, which will be in writing. A person may only apply for access to **his or her own** examination data. Applications must be made in writing to the Director of Student & Academic Services, signed by the applicant and accompanied by the appropriate fee. The 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 the Data Protection Act 1998 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.

Requests for information about individuals must be made in accordance with the Data Protection Act and addressed to the University's Information Governance Manager.

Requests for information made in accordance with the Freedom of Information Act must be addressed to the University's Information Governance Manager.

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. 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.

The University may undertake to make reasonable attempts to pass on information from a third party to a student.

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.

3.3 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.

3.4 In cases of any doubt, advice should be obtained from the University's Information Governance Manager.

## 4 Policy on image capture

4.1 The Data Protection Act 1998 ("the Act") regulates the use of all personal information, including physical or physiological characteristics. This means that photographs of individuals where the individual can be identified fall within the scope of the Act 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 In order to comply with the Act, the University requires the consent of all students to use their image. By enrolling with the University and agreeing to be bound by these General Regulations and Procedures Affecting Students, a student agrees to their image being captured for the purposes stated in 4.3 above. Any student who has objections to their image being captured should inform the University's Information Governance Manager.

## 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 Officer and available on the University website. Most records with regard to students are retained for a minimum of six years after graduation, termination 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.

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 terminate his/her registration or to decline an application for transfer of registration from MPhil to PhD.

1.2 A student whose appeal is pending retains student status and is entitled to proceed (provided that his/her 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 <u>During the examination or assessment</u>

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 <u>During the marking and decision-making process</u>

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.

In considering whether the circumstances put forward by the student fulfil this ground for appeal the Student Appeals & Conduct Officer 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 diet/programme as the module in question.

These are **examples** of acceptable circumstances in relation to this ground for appeal but they do not represent an exhaustive definition of such circumstances.

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.

1.4 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 & Conduct Officer reserves the right to dismiss the appeal as being without substance (see paragraph 2.3).

1.5 Given the existence of procedures for complaint and redress during the study period (which should be dealt with as and when they arise) alleged 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 for the matter not having come to light until after the assessment.

1.6 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. In exceptional circumstances where a student receives a retrospective diagnosis of a health condition or learning difficulty which he/she could not reasonably have known about (at the time of their assessments) the Student Appeals & Conduct Officer will consider such cases taking in to account the individual circumstances of the student and the medical and/or professional evidence supplied.

The Student Appeals & Conduct Officer's decision in such cases shall be final and not subject to review by any other University body.

## 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 & Academic Services and the Graduate School Office (in addition, the form can be downloaded from the University website) and must be submitted to the Student Appeals & Conduct Officer and personally signed by the student. The form must indicate the grounds on which the student is appealing, as listed in 1.3 and 1.4 above, and be accompanied by any available documentary evidence. The student is required also to state at this stage whether s/he wishes the appeal to be referred directly to the Academic Appeals Panel, or whether s/he wishes first to attempt to resolve the issue(s) through the mediation process.

2.2 The appeal form, together with all the necessary documentation, should reach the Student Appeals & Conduct Officer within twenty-one 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 & Conduct Officer is empowered to dismiss an appeal at this stage if it should appear in his/her absolute opinion that the grounds of appeal are so lacking in substance that further consideration would not be justified.

If necessary, the Student Appeals & Conduct Officer shall seek an initial response to the appeal from the student's Faculty. The Student Appeals & Conduct Officer's decision in such cases shall be final and not subject to review by any other University body.

A student whose appeal has been dismissed by the Student Appeals & Conduct Officer at this stage may not seek reconsideration of this decision through the University's Student Complaints Procedure.

2.4 Where it appears to the Student Appeals & Conduct Officer that further consideration of the appeal is justified, s/he shall note whether the student has stated a wish to resolve the matter by mediation. If so, the Student Appeals & Conduct Officer shall select an independent mediator to deal with the case. The mediator will be selected from a list of trained personnel. The appointed mediator will arrange a meeting between the mediator, the student and, if they so wish, their representative (as defined in the Glossary to these Regulations) and a representative of the relevant Department, nominated by the Head of Department. This first meeting should take place within three weeks of the receipt of the appeal form, whenever possible, allowing for the availability of the persons involved.

2.5 The meeting is chaired by the mediator, and involves firstly a discussion between the mediator and the student with representative, then the mediator and the Departmental representative, and finally the mediator with the student and Departmental representative together. The aim is to reach a position to which both parties sign to agree. The student is permitted time to consult and consider the agreed position before accepting it. Once the parties have agreed and signed a statement confirming that agreement, there can be no subsequent recourse to an Academic Appeals Panel.

2.6 Where a student has elected not to attempt to resolve an appeal through the mediation process, or where the outcome of mediation has been a failure to agree, the Student Appeals & Conduct Officer shall refer the appeal to a **Stage 1 Academic Appeals Panel**.

The **Stage 1 Academic Appeals Panel** shall comprise:

- Chair: the Vice-Chancellor, a Pro Vice-Chancellor/Dean or a Deputy Dean
- The President of the Students' Union or his/her nominee who shall be a member of the Students' Union Executive Committee
- A member of the Academic Board chosen from Class C or Class D membership
- In the case of a research student, a member of the Research Degrees Committee
- The Director of Student & Academic Services or nominee

No panel members shall have been connected with the case.

2.7 The **Stage 1 Academic Appeals Panel** is empowered to examine appeals made to it under the grounds cited in sections 1.3 and 1.4 above, which have not been resolved by mediation between student and Department.

The **Stage 1 Academic Appeals Panel** will meet within four weeks of the mediation stage wherever possible, taking into account staff availability.
The student will be given notice of the hearing and the members of the Stage 1 Academic Appeals Panel in writing. Due notice will be considered to have been given on posting the notice and supporting information by Recorded Delivery to the student's last recorded address no less than 14 days before the date of the hearing. If the student does not attend the hearing, the hearing will go ahead in their absence.

The student is entitled to be accompanied by a representative (as defined in the Glossary to these Regulations).

The procedure adopted by the **Stage 1 Academic Appeals Panel** shall be as follows:

2.7.1 The Panel has access to the mediator's papers, although the mediator is not entitled to attend the hearing. These papers shall be considered before any of the participants are seen.

2.7.2 Both the student and the Department may state their case, without any questioning by each other or the Panel.

2.7.3 Once both positions have been aired, all participants are entitled to ask questions which consist of clarification rather than cross-examination. All such questions should be addressed through the Panel Chair.

2.7.4 The Panel retires to consider its decision in private. Once a decision has been reached the student (and their representative if present) and the Departmental representative(s) return to the meeting room. The Panel Chair reads the decision from a draft 'Minute'. The decision is confirmed formally in writing thereafter.

2.7.5 The Chair has general discretion 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 appellant and the Department. 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.

2.8 The **Stage 1 Academic Appeals Panel** is empowered to reach one of the following decisions:

2.8.1 That there are no grounds for the appeal and the original decision of the Assessment Board or Research Degrees Committee should stand.

2.8.2 That the appeal is upheld and the decision giving rise to the appeal is set aside. The **Stage 1 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 **Stage 1 Academic Appeals Panel**. The **Stage 1 Academic Appeals Panel** shall also determine the conditions of this examination, consulting the assessment board or Research Degrees Committee if necessary.

2.8.3 The appeal is upheld and the decision giving rise to the appeal is set aside. The **Stage 1 Academic Appeals Panel** grants the student the opportunity to submit work for assessment as if for the first time, in the assessment concerned. The **Stage 1 Academic Appeals Panel** shall determine the conditions for this replacement assessment, consulting the assessment board or Research Degrees Committee as necessary.

The **Stage 1 Academic Appeals Panel** is also empowered to make recommendations to an assessment board and/or Research Degrees Committee regarding the conduct of business.

2.9 The decision of the **Stage 1 Academic Appeals Panel** is final, except that a student has the right of appeal on the following grounds only:

2.9.1 That there is new and relevant evidence which the student was demonstrably and for the most exceptional reason unable to present to the **Stage 1 Academic Appeals Panel** hearing. Such new evidence must be submitted with the student's written statement of appeal.

2.9.2 That the **Stage 1 Academic Appeals Panel** did not comply with its procedures as set out in section 2.7 above, or in some other material way conducted itself in an unfair manner, so that it might cause reasonable doubt as to whether the result would have been different had the **Stage 1 Academic Appeals Panel** complied.

## 3 Process for conducting an appeal against a decision of the Stage 1 Academic Appeals Panel

3.1 In the event of an appeal, the decision of the **Stage 1 Academic Appeals Panel** will not be carried out until the further appeals process is concluded.

3.2 Any student wishing to appeal against a decision of the **Stage 1 Academic Appeals Panel** shall give notice in writing, stating clearly the specific grounds on which the appeal is based as listed in section 2.9 above, and providing appropriate documentary evidence. This notice of appeal must be submitted to the Student Appeals & Conduct Officer as 'hard copy' on paper, personally signed by the student, and must reach the Student Appeals & Conduct Officer within 14 days of the **Stage 1 Academic Appeals Panel** hearing.

3.3 Notwithstanding the above, the Vice-Chancellor (or his nominee) may dismiss an appeal at this stage if in his/her absolute opinion it should appear that the grounds of appeal are so lacking in substance that further consideration would not be justified.

The Vice-Chancellor's decision in such cases shall be final and not subject to review by any other University body.

3.4 On receipt of such a notice the Student Appeals & Conduct Officer shall convene a **Stage 2 Academic Appeals Panel** and arrange for the further appeal to be heard. The **Stage 2 Academic Offences Appeals Panel** shall comprise:

- Chair: the Vice-Chancellor, a Pro Vice-Chancellor/Dean or a Deputy Dean
- The President of the Students' Union or his/her nominee who shall be a member of the Students' Union Executive Committee
- A member of the Academic Board chosen from Class C or Class D membership
- In the case of a research student, a member of the Research Degrees Committee
- The Director of Student & Academic Services or nominee

No person who has been consulted or involved in the particular case at any previous stage shall act as a member of the **Stage 2 Academic Appeals Panel**.

3.5 The appellant and department will be given notice in writing of the hearing and the members of the **Stage 2 Academic Appeals Panel**. Due notice of the hearing will be considered to have been given on posting the notice and supporting information, by recorded delivery, to the student's last recorded address, not less than fourteen days before the date of the hearing. If the student does not attend the hearing, the appeal shall be considered to have lapsed.

3.6 If the student, on good grounds, wishes to object to any member of the **Stage 2 Academic Appeals Panel**, the student shall submit his/her objections in writing to be received by the Student Appeals & Conduct Officer at least seven days before the hearing. If the grounds are upheld, an alternative member of the Panel will be identified with due care to ensure that there are no good grounds for the appellant student to object to the substitute member.

3.7 The procedure adopted by the **Stage 2 Academic Appeals Panel** shall be determined by the Panel and shall provide for the following:

3.7.1 The appellant has the right to appear and be heard and to be accompanied by a representative (as defined in the glossary prefixed to the **General Regulations and Procedures Affecting Students**).

3.7.2 The **Stage 2 Academic Appeals Panel** has the right to call witnesses and to examine any documentation it considers necessary.

3.7.3 The **Stage 2 Academic Appeals Panel** is empowered to reach one of the following decisions:

- That there are no grounds for this further appeal and the original decision of the **Stage 1 Academic Appeals Panel** should stand.

- That the appeal is upheld and that the decision giving rise to the appeal is set aside. In which case the **Stage 2 Academic Appeals Panel** will either require the assessed work concerned to be newly examined or grant the student the opportunity to submit work for the assessment concerned as if for the first time, in accordance with the decisions available to the **Stage 1 Academic Appeals Panel** as explained in paragraph 2.8 above.

The **Stage 2 Academic Appeals Panel** is empowered to make recommendations to an assessment board and/or Research Degrees Committee regarding the conduct of business.

3.8 The **Stage 2 Academic Appeals Panel's** decision in such cases shall be final and not subject to review by any other University body.

## 4 Records of academic appeals

The Student Appeals & Conduct Officer shall keep appeal files for a minimum of two years, together with mediator notes, allowing Chairs of Panels to consult them as an archive resource if so required.

## 5 Deans' power to institute proceedings

Where a Faculty or Department is aware of discrimination against a student, but the student does not wish to make a formal appeal over that discrimination, the relevant Dean is empowered to institute appeal proceedings on the student's behalf.

## Chapter 9 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 and students.

1.2 To this end the University will review continuously all practices and procedures which could affect the health, safety and welfare of staff, students and users of University facilities to ensure that any necessary improvements are implemented.

1.3 The University, centrally and through its local management organisation, will provide resources to meet the requirements of this policy.

1.4 Prime responsibility for health and safety rests with the Chief Executive and Vice-Chancellor of the University who has direct concern for this policy and accords health and safety matters equal priority to other management or educational functions within the University.

1.5 The Chief Executive and 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.

1.6 The University Health and Safety Policy is in five parts:

**Part 1** The General Statement of Health and Safety Policy (SP1).

**Part 2** The Management of Health and Safety in the University.

Responsibilities of senior and specialist staff.

Health and Safety Committee Structure (SP2).

**Part 3** Specific policy documents on the arrangements for implementing the Health and Safety Policy (General Reference SP3).

**Part 4** The Statement of Health and Safety Organization for each cost centre.

**Part 5** Local rules, safe systems of work, codes of practice and details of risk assessments applicable to each Faculty and Support Department or Section.

1.7 The Health and Safety Policy is an important document and all members of staff, and students, should be aware of its contents.

Parts 1, 2, 3 and 4 are published on the Intranet; copies may also be seen in the University Libraries, or on application to the Dean or Head of Health and Safety.

Part 5, the safe working practices etc. applicable to each area of work should be available from the area manager or on application to the University Health and Safety Officer.

## 2 Students' duty

It is the duty of all students:

2.1 To take reasonable care for the health and safety of themselves and of other persons who may be affected by their acts or omissions and

2.2 To co-operate with the University to enable compliance with health and safety requirements and the Health and Safety Policy

2.3 Not to interfere with, or misuse, anything provided in the interests of health, safety or welfare

2.4 To report any faults or defects relating to health and safety matters.

## 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.

Areas considered to be higher risk include:

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

## Chapter 10 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). Such students wishing to enter University premises for any other purpose (for example, to collect personal belongings) must first obtain written permission from their Faculty Provost.

1.3 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.

### 2 Access out of hours procedure

Students are not normally permitted to access University administrative buildings outside normal opening hours.

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, must complete a **Request for Out of Core Hours Access to Buildings** form available from their Faculty Office, Campus Office or Buildings Supervisor.

The form must be signed by the student and authorised by the Head of Department or Dean of Faculty who has overall responsibility for the programme which the student is undertaking.

The completed and authorised **Request for Out of Core Hours Access to Buildings** form must be lodged with the Campus Security Office at least 24 hours before access is required.

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 Security Supervisor, or his/her nominee, may withdraw a student's authority to be admitted to any University building out of hours if that student's behaviour or conduct breaches University instructions, regulations and/or codes of practice for the use of University equipment, services, property and/or facilities. The University reserves the right to take further disciplinary action in such cases if appropriate.

Once approval has been granted 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.

A Security Officer will 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.

## 3 Access to University libraries and associated learning spaces

Students who wish to attend 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 notice board, entrances and website, and on production of a valid University identity card. Library opening times will vary during vacations and outside core teaching weeks.

The Director of Library & Learning Services, or his/her nominee, has the right to refuse admission to the Library.

## Chapter 11 Disruption of service

The University undertakes to take all 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 undertakes to use all reasonable steps to minimise the resultant disruption to those services.

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 12 Intellectual property rights

### 1 Policy on intellectual property rights

Students are required to comply with the University's policy on Intellectual Property Rights (IPR), a copy of which is available from the Department of Legal Affairs.

The main provisions of the policy are set out below:

1.1 The intellectual property rights in all work produced by a student as part of their programme with the University or in response to a task or project set by the University shall belong to the University, in consideration of the University's taking such work into account in the student's assessment.

1.2 Notwithstanding the provisions of paragraph 1.1 above, in circumstances in which it is considered appropriate by the relevant course leader, intellectual property rights in all works produced by a student undertaking a work-based learning course may be vested in the student's employer. In these circumstances the University shall have no rights to use the intellectual property for any purpose. In addition the University will take all reasonable steps to maintain the confidence of any disclosure that is made in the context of any task or project set as part of the student's work.

1.3 In cases of any doubt advice should be sought from the Department of Legal Affairs.

### 2 Ownership of students' work

Work, including examination scripts, executed by students with University materials remains the property of the University. Release of examination scripts to students is at the discretion of the faculty concerned. The University reserves the right to retain all programme work, particularly in Art and Design programmes, for one year after the completion of the programme. No work in the Art and Design areas of study, which includes Architecture, may be taken from the University except with the permission in writing of the Dean of Faculty.

### 3 Copyright compliance

Students are required to comply with copyright legislation including, but not limited to, the provisions of The Copyright Designs and Patents Act (1988) and with the terms of the Higher Education Copyright Licence. Details of what is permissible under the law and under licence are available from all campus libraries and from the library website.

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

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 13 Insurance

### 1 Personal accident

Whilst the University is insured to cover its legal liability for claims arising from injuries where the negligence of the University or its employees can be established, it does not provide personal accident insurance for students. Students are strongly advised to make their own arrangements for personal accident insurance.

Firms and organisations 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

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

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 14 Code of practice on freedom of speech within De Montfort University

This Code serves as notice to students and staff of the code of practice on freedom of speech within De Montfort 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 enrolling 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 duly enrolled 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.

The Code's rights shall apply to:

- All staff, students and visiting speakers;

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.

1.4 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 (including constituent societies, clubs and associations) business or are otherwise representing the University or Students' Union (including constituent societies, clubs and associations).

1.5 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 the 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 enrolled 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 sex, race, disability, sexual orientation, religion/belief and/or age.

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 there 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.

By 'speaker' this Code means any organiser or other person invited to address the meeting other than members of any audience at that meeting.

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.

3.4 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.

3.5 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.

3.6 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 his/her views expressed in the past or likely to be expressed at such a meeting or the cause he/she represents, 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 seven days whether the meeting may nevertheless go ahead.

3.7 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 the 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 seven days of the date of the letter confirming the decision. The Vice-Chancellor shall consider such representations and within seven 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

Section 43 of the Education (No.2) Act 1986 requires under subsection 3 that the Board of Governors shall issue, and keep up to date, a 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 15 University employment of its students: security aspects

### Introduction

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.

### 1 Principles

1.1 No student should by virtue of University employment have access to sensitive data. This includes:

- personal data concerning individuals, whether staff, applicants or students of the University;
- data of commercial sensitivity to the University.

1.2 No student should have access to areas of the University where sensitive data are kept. This includes faculty and departmental offices, Student and Academic Services, People & Organisational Development and Finance.

1.3 No student should be employed in activities which are sensitive. These include, but are not limited to:

- examination administration,
- registration and student records,
- admissions records administration,
- issuing results notifications,
- invoicing,
- cashiers' activities,
- debt chasing.

This does not preclude the employment of students in recruitment or admissions activities, acting as advisors, guides student ambassadors or 'runners'. Students can also be employed in catering, library, estates and technical work.

### 2 Employing department's responsibility

2.1 It is the responsibility of the employing department to assess the level of risk involved in employing students in their area. Some data are 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.

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.

2.2 If a potential employer of students is in any doubt s/he should check the matter with the appropriate data owner and with the Director of People & Organisational Development. These have the right of veto. Data owners are:

Student data: Director of Student & Academic Services
Finance data: Director of Finance
Personnel data: Director of People & Organisational Development.

2.3 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 cannot be consistent with the health and well being of the student or with satisfactory completion of their programme (see Chapter 1, paragraph 3.9).

## Chapter 16 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, 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 Director of Student & 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 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 http://www.dmu.ac.uk/regulations and printed copies are available on request from Student & 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 Director of Student & Academic Services. In such cases, part-time students are notified as far in advance as possible of the implication of the changes.