

## **2. WORKINGS OF THE REGULATIONS**

### Purpose and scope

- 2.1. This section of the Consolidated Academic Policies and Regulations (CAPR) explains the core principles of how the regulations work; and how they should be implemented.
- 2.2. These regulations apply to the implementation of all other policies and regulations including schedules, and other related elements, and to any action taken on or after 1 July 2017 regardless of the date of the event giving rise to the action.

### Definitions

- 2.3. 'Substitute' means a person authorised by the College to act for another individual in their absence or incapacity. A substitute may be appointed with or without the individual's permission.
- 2.4. 'Delegate' means a person authorised by an individual to act for them in their absence or incapacity. A delegate is appointed with the individual's permission.
- 2.5. 'Working day' means a day when the College is generally open and excludes bank holidays, other statutory days and published College closures.
- 2.6. 'Electronic signature' means the electronic equivalent of a written signature. Electronic signatures come in many forms, including:
  - (a) typewritten;
  - (b) scanned;
  - (c) an electronic representation of a handwritten signature;
  - (d) a unique representation of characters;
  - (e) a digital representation of characteristics, for example, fingerprint, retina; or
  - (f) a signature created by cryptographic means.

### Introduction

#### *Overview*

- 2.7. The fundamental principles and values of the College require that all policies and regulations are understandable, easily accessible and clearly interpretable by all its members (i.e. students and staff).

- 2.8. To achieve this, they must operate in a standard and consistent way, and all members of the College will be made aware of these policies and regulations (for example, through induction processes) on joining the College.
- 2.9. Contractors (and sometimes visitors) will be made aware of relevant parts of them on being engaged by or doing work in the College.
- 2.10. All members including contractors (and, where appropriate, visitors), will be required to sign a statement acknowledging they have read and understood the appropriate parts of the CAPR, but at a minimum the:
  - (a) Code of Practice on Freedom of Speech;
  - (b) Policy on Safeguarding Children and Vulnerable Adults; and
  - (c) Policy on Relationships and Personal Conflicts of Interest.

#### *Communications between the College and the student*

- 2.11. The College must give students accurate, relevant and timely information and must inform them:
  - (a) of the main means by which academic Faculties, Departments, student-based and other services will communicate with them and when this will happen;
  - (b) that the College assumes and expects students will regularly check their College email accounts for official communications and notifications of the status of their registration, enrolment and studies; and
  - (c) that it is their responsibility to:
    - maintain links with their Faculty, academic Department and the central administration;
    - respond to requests for information;
    - acknowledge specific communications about the status of their registration, enrolment and studies; and
    - keep the College informed as to any changes in their contact details.
- 2.12. Students must give the College accurate, relevant and timely personal data and information. They must ensure the College is informed of the details and any changes in the main way by which their academic Faculties, Departments and student-based services can communicate with them.
- 2.13. The College will post a copy of all correspondence relevant to the policies and regulations to the last term-time address that the student has given it. The College may also deliver correspondence in any or all of the following ways:
  - (a) by hand;

- (b) by recorded delivery to the last home address the student has given it;
  - (c) to the student's College email address; or
  - (d) to any personal email address the student has given it.
- 2.14. For all official notices to students, any document with an electronic signature satisfies the regulatory requirements of a signature on any communication in electronic or hardcopy form in the same way as a handwritten signature.

*Appointment of substitutes or delegates*

- 2.15. A conflict of interest or unavailability of a named post within the policy or regulation does not invalidate any action taken. In these circumstances, the College will ensure that a substitute or delegate is available to enforce the policy or regulation.
- 2.16. The College must appoint a substitute, or the post-holder must name a delegate, if any post-holder:
- (a) declines, is unable to or fails to take any action that is their responsibility under the policies and regulations; or
  - (b) is required to stand down from taking any action that is their responsibility under the policies and regulations so that the proceedings are consistent with the principles of natural justice.
- 2.17. The substitute or delegate must be, within reason, equivalent in their College position and seniority to the originally specified post-holder.
- 2.18. Any person to whom the College delegates powers or responsibilities, either as a substitute or delegate, must be in a position to act and be seen to act impartially, either generally or in a particular case.
- 2.19. If the College appoints a substitute or delegate, the policies and regulations will apply to them as if they were the post holder.

Enforcement proceedings under these policies and regulations

*Attendance at proceedings*

- 2.20. The proceedings outlined in the policies or regulations are not invalidated or postponed because any party (student, staff or representative) called to attend is absent. However, the parties to the proceedings must have been sent the required written notice and clearly notified how to make written comments.
- 2.21. If a student has stated they will attend but then informs the College that they cannot do so for good reason, an adjournment will be considered.

### *Confidentiality*

- 2.22. The College will do all in its power to limit the disclosure of information as is consistent with taking action to enforce its policies, regulations and lower-level College rules.
- 2.23. Hearings held under the policies and regulations will normally be in private.

### *Evidence*

- 2.24. Where required under these policies and regulations, evidence supplied must be original, independent, relevant and authoritative, and be signed by an appropriate third party.
- 2.25. The College must be able to investigate the evidence and has the right to call for independent or expert advice, take evidence, examine witnesses, and make such other enquiries as it sees fit. The College is not bound to act under this regulation. The College's decision whether or how to act under this regulation is final. The College need not give reasons.
- 2.26. If doubt exists as to whether evidence can be considered, the Chair of the appropriate panel or board must decide. The Chair's decision is final and must include reasons.
- 2.27. Information gathered under procedures or regulations may be made available as evidence in other College processes and vice versa, if appropriate.

### *Ending proceedings early*

- 2.28. If proceedings under a policy or regulation are discontinued at any stage without conclusion (for example, by the withdrawal of a student or the resignation of a staff member), the College will consider:
  - (a) The seriousness of allegations outstanding;
  - (b) the strength of evidence supporting the allegations; and
  - (c) the implications for the future career of the individual.
- 2.29. Where serious concerns remain that misconduct may have occurred which have not been resolved, the individual complained against should be advised of this and be asked to see the investigation or hearing through to conclusion.
- 2.30. Where they do not agree to this, they should be advised that the details of the outstanding case may (without prejudice) be passed to any future institution, employer or bona fide enquirer about their study or career at the

College, and may also be passed to any appropriate regulatory or professional supervisory body.

#### Action that is also a criminal offence

- 2.31. In a number of sections, alleged breach of these policies or regulations may also be a criminal offence, if proved in a court of law.
- 2.32. If a Senior Officer thinks the offence under the criminal law is not serious and a criminal prosecution is unlikely, the College must continue to make its own investigations.
- 2.33. For all other offences under the criminal law, the College must not take any action except suspension or exclusion until the matter has been reported to the police and resulted in a decision not to prosecute, or until the prosecution is concluded.
- 2.34. The College has the right to refer any criminal offence to the police. However, if a person claims to have been the victim of a serious offence by a student but does not wish the police to be involved, a Senior Officer may agree not to report the matter to the police unless this is required by law (for example, offences against children).

#### Suspension of, or change to, the workings of regulations

- 2.35. The Academic Board (or its Chair or Deputy Chair acting on its behalf) may choose to suspend, intervene in or change the workings of a regulation or lower-level College rule if it decides that in a specific case their effect or process breaks the principles of natural justice, academic freedom, reasonableness or fairness.
- 2.36. The Academic Board is not bound to act under this regulation. The Board's decision whether or not or how to do so is final. The Board need not give reasons for its decision.

#### Advice and support

- 2.37. Advice for students on the workings of the policies, regulations and the associated lower-level College rules is available from the Student Hub (studenthub@gsm london.ac.uk) or the GSM London Students' Union (student.union@gsm london.ac.uk). More complex queries may be referred to the Office of Student Complaints, Appeals and Regulation (oscar@gsm london.ac.uk).

- 2.38. Advice for staff on the workings of the policies, regulations and associated lower-level College rules is available from their nominated Academic Policy Partner.
- 2.39. If any staff development needs are identified, these may be discussed with members of the Staff and Educational Development Team.

#### Fees

- 2.40. No additional fees or charges are associated with these regulations.

#### Legal and regulatory context

- 2.41. These regulations are about the terms on which the initial relationship between the student and the College has been set up (the 'Student Contract'). Therefore, these regulations have taken account of the principles of contract and consumer law that apply to relationships between students and higher-education institutions.

#### Enforcement, monitoring and review

- 2.42. If any person or body in the College refuses to comply with a request or decision made to enforce these regulations, their refusal must be reported to the Academic Registrar, who will take such action to enforce this policy as they think necessary.
- 2.43. Each year, the College must receive a report that enables it to monitor, identify and act on any shortfalls in how these regulations are interpreted and applied.
- 2.44. Every five (5) years, the College must review these regulations to ensure that:
- (a) they remain up to date and continue to meet the expectations of the UK Quality Code, applicable legislation or guidance;
  - (b) areas of improvement, or any concerns, raised by students, external examiners, or professional bodies have been addressed; and
  - (c) opportunities to reduce unnecessary bureaucracy have been taken.

#### **Schedule (not part of the policies and regulations):**

*Responsible Officer: Academic Registrar*

*Approved by: Board of Directors and Academic Board*

*Version: 1.0*

*Date: 25 November 2015*

*Monitoring and Review Body: Academic Regulations and Awards Committee*

*Effective From: 1 April 2016*

*Next Scheduled Review: April 2021*