

1. SCOPE AND INTERPRETATION

Purpose and scope

- 1.1. This section of the Consolidated Academic Policies and Regulations (CAPR) explains what policies, regulations or rules are; who they apply to; and how they should be interpreted.
- 1.2. These regulations apply to the interpretation of all policies and regulations in the CAPR including schedules, and other related elements. They apply to any interpretation made or action taken on or after 1 July 2017 regardless of the date of the event giving rise to the interpretation or action.

Definitions

- 1.3. 'Regulation' means instructions agreed by an awarding body that sets out the required behaviour or administration for ensuring the protection of academic standards – for example, rules or instructions relating to a student's registration or examination.
- 1.4. 'Policy' means instructions agreed by an awarding body that set out the required behaviour or administration for ensuring or enhancing the academic quality or coherence of the academic community.

Introduction

Overview

- 1.5. The College promotes a culture where every student has a fair and equitable chance of success; and where all members act responsibly to uphold the College's beliefs in social justice and inclusion, and to maintain public confidence in the standards and integrity of its awards.
- 1.6. As part of this, the College has disciplinary authority over its members (this means it can make rules all members must follow). This authority arises from its Articles of Association and Instrument of Government.
- 1.7. Through the College's authority, it requires all members (students, staff and in rare cases visitors) to agree to follow the rules that are in force, and as amended, at that time. These rules are as laid out in its policies, regulations and lower-level rules.

Principles

- 1.8. The CAPR applies to:

- (a) people who have formally applied to be admitted as a College student;
 - (b) people who have received an offer to be admitted as a College student;
 - (c) individuals, whether or not enrolled as College students, who are registered as candidates for College awards, or as students on non-award courses;
 - (d) all students who have temporarily interrupted or been suspended from their College studies;
 - (e) people employed as College staff members;
 - (f) people engaged to provide a service to the College;
 - (g) visiting and honorary members of the College;
 - (h) external examiners appointed to the College; and
 - (i) people who contribute in other ways to the College's academic life.
- 1.9. The CAPR establishes:
- (a) the conditions under which a person may take a College programme or award;
 - (b) how the College will approve, monitor and support the learning opportunities in its programmes or awards;
 - (c) the rules for the conduct of assessment on College programmes or awards, the powers of Boards of Examiners, and academic appeals and review; and
 - (d) the conditions under which an award of the College or its validating partner may be conferred.
- 1.10. All other lower-level College rules, such as procedures or guidance, take effect subject to the CAPR, and are interpreted and applied consistently with it.
- 1.11. The CAPR and lower-level rules apply to all undergraduate and postgraduate awards of the College, subject only to variations for individual named awards with the agreement of the Academic Board, or in partnership with another awarding body.
- 1.12. The College agrees to take all reasonable steps to provide the teaching, examination, assessment and other educational services set out in its prospectus, the CAPR and other College documents. However, the College's provision of these services may be disrupted by unforeseeable and unpreventable acts (also known as 'acts of God'). In these cases, the College will try to ensure that students receive the services they expected when registering with the College.

Interpretation

1.13. The Academic Board has the power to interpret these policies, regulations and lower-level College rules. The Board's decision is final. The Board need not give reasons for its interpretation, but it must consider its obligations to be accountable to and transparent with College members.

1.14. For the purpose of interpretation, the following principles must be considered by the Academic Board but do not restrict its interpretation:

(a) Plain meaning: when writing and approving policies, regulations and lower-level rules, the College uses words with their ordinary, everyday meaning. Where a word may have a specific meaning this is listed in the definitions (Schedule G: Definitions) and applies to all policies and regulations.

NOTE: If a policy, regulation or rule's language is plain and clear, the duty of interpretation by the Academic Board does not arise.

(b) Use the whole: When a word or section is ambiguous or difficult to understand, its meaning may be determined by reference to the rest of the policy, regulation or rule or by reference to other policies, regulations or rules on the same topic.

(c) Fundamental values: A policy, regulation or rules should not be interpreted in a way that violates the College's fundamental values or principles. These principles and values are laid out in the Codes of Practice.

(d) Rule of lenity: In interpreting an ambiguous policy, regulation or rule involving the discipline of a member of the academic community, the Academic Board should resolve the ambiguity in favour of the member.

(e) Administrative interpretations: If a policy, regulation or rule is ambiguous regarding the specific issue, the Academic Board will usually agree with any reasonable interpretation by the Department responsible for administering it.

(f) Express lists: Items not on a list are to be assumed not to be covered by the policy, regulation or a contract term. However, sometimes a list is illustrative only and this is usually indicated by words such as 'includes' or 'such as'.

(g) Avoidance principle: If a policy, regulation, or rule has more than one reasonable interpretation, the board should choose an interpretation that avoids raising problems or doubts about another part of the CAPR.

(h) Last in time: When policies, regulations, or rules conflict, the one approved last should be used.

- 1.15. In some situations, where multiple regulations may apply and it may be unclear which policy or regulation applies, the Academic Board (or by executive action its Chair or Deputy Chair) will decide. The following are some guidance on individual circumstances and will be considered by the board but do not restrict its judgement:
- (a) There is a concern about student behaviour. If so, this should be referred to the following policies or regulations in order, if they apply: Fitness to Practise; Fitness to Study; and then Student Conduct and Behaviour.
 - (b) There is a concern about academic misconduct by a student in relation to research activity. If so, this should be referred to the following policies or regulations in order, if they apply: Academic Misconduct; Research Misconduct; Fitness to Study; and then Student Conduct and Behaviour.
- 1.16. If a conclusion is reached under a policy or regulation within the CAPR:
- (a) it is not necessary to consider the same matter further under another policy or regulation; and
 - (b) the same matter will not be considered again unless substantial 'fresh and viable' information is gathered and reconsidering the matter is approved by the Chair of the Academic Appeals Committee.

Alteration of regulations

- 1.17. The College may change its policies and regulations. But the College must consider its timescale for changes and their effect on current students. Changes proposed in an academic year must not normally be implemented in that year unless urgently required. However, regulations must be reviewed and updated periodically in line with developments in internal and external policy and practice.

Advice and support and support

- 1.18. Advice for students on the scope and interpretation of policies and regulations is available from the Student Hub (studenthub@gsmlondon.ac.uk) or the GSM London Students' Union (student.union@gsmlondon.ac.uk). More complex queries may be referred to the Office of Student Complaints, Appeals and Regulation (oscar@gsmlondon.ac.uk)
- 1.19. Advice for staff on scope and interpretation of policies and regulations is available from their nominated Academic Policy Partner.

- 1.20. If any staff development needs are identified, these may be discussed with members of the Staff and Educational Development Team.

Fees

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

Legal and regulatory context

- 1.22. 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.
- 1.23. The College policies, regulations and lower-level rules such as procedures and guidance are not part of UK law. So they do not mirror the strict way the law defines, for example, offences.

Enforcement, monitoring and review

- 1.24. 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.
- 1.25. An overview review of the CAPR must be conducted each academic year, and any recommendations put to the Academic Board (or the Academic Regulations and Awards Committee for delegated matters) for consideration. This review enables the way that policies and regulations are being applied to be monitored. Inadequacies can then be identified and acted on.
- 1.26. A full review of all the policies and regulations must be conducted every five (5) years, and a full report submitted to the Academic Board for consideration. The review must include external and independent involvement and must ensure that:
- (a) the CAPR remains up to date and continues 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 through the annual review; 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 2019