

# Policy on Changes to Published Material Course Information

<b>Approved by:</b> Academic Board	<b>Effective date:</b> 1 August 2022	<b>Next review:</b> March 2025
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## Policy statement

The Policy applies to the course design and delivery aspect of the student contract. It sets out the requirements and considerations for making, communicating and implementing material information about the course and its organisation.

## Who needs to know about the Policy?

- Deans of Faculty and Pro Vice-Chancellors
- Heads of School and Department
- Faculty Teaching Staff
- Faculty Administrative Staff
- Admissions
- Registry Services
- Students
- Applicants

## Purpose of the Policy

The policy sets out the University's overall position on course and module changes, including

- when changes should and should not be approved
- the considerations regarding existing students and/or applicants
- how to communicate changes to material information
- the consultation requirements
- ensuring compliance with Consumer Marketing Authority requirements.

It is essential to read this Policy in conjunction with the Quality and Standards Office Procedure for Course Change, which details the operational process.

## Contacts

The University Directorate of Student Resolution and Student Protection is responsible for:

- Providing advice, assistance, guidance and templates

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# Policy on Changes to Published Material Course Information

## Policy on Changes to Published Material Course Information

### 1. General Principles

- 1.1. The University recognises its contractual obligations to applicants and students to provide a course following previously published information about the course and its organisation. It is information that forms part of the agreement with the student.
- 1.2. The Annexe sets out the Competition and Marketing Authority's guidance on material information that needs reading alongside this Policy.
- 1.3. Published information includes information given visually, orally, and in writing.
- 1.4. The University's default position is there should be no changes to material information concerning the campus location of a course or the course or module structure.
- 1.5. As a general principle, changes should be implemented for the next entering cohort, not for current students. Once the admissions cycle begins, changes affecting current and prospective students require careful consideration. In the case of current students, it is essential to undertake an appropriate consultation.
- 1.6. The University will consider the student contract's nature when preparing prospectus entries and placing information on websites. There is a need for particular attention paid to:
  - 1.6.1. The inclusion of compulsory modules and the range of option modules;
  - 1.6.2. module choice, particularly the need to focus on the range and likely areas of option modules; and
  - 1.6.3. methods of assessment, particularly the balance between coursework and examinations
  - 1.6.4. the nature of the teaching methods used, the type and volume of contact hours provided, and the implications for timetabling
- 1.7. Any changes are to follow this Policy and the Course Change procedures published by the Quality and Standards Office.
- 1.8. It is essential to read the Policy in conjunction with the [Student Protection Plan](#).

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### 2. Scope

- 2.1. The Policy applies to the course design and delivery aspect of the student contract.
- 2.2. It does not relate to regulation, policy, or calendar aspects that might form part of the student contract. Other policies and procedures address these matters.

### 3. Material Information in the University Context

- 3.1. In the University context, material information is the information applicants and students need to make an informed transactional decision, such as what and where to study.
- 3.2. A 'transactional decision' is any decision taken by an applicant and student, whether it is to act or refrain from acting, concerning:
  - 3.2.1. whether, how, and on what terms to accept a place, continue registration of or withdraw from a course, or
  - 3.2.2. whether, how and on what terms to exercise a contractual right concerning a course.

### 4. Policy on Regulatory, Beneficial or Non-material Changes

- 4.1. The University's overall policy on course and module changes is that changes will only be approved if they
  - 4.1.1. do not result in a change in the published material information, or;
  - 4.1.2. are regulatory changes or changes due to circumstances outside the University's control that it could not plan for; or
  - 4.1.3. are demonstrably beneficial to students; or
  - 4.1.4. have the informed consent to material changes of all affected students, including students who have already begun the course and will be affected in future years.
- 4.2. The University will, in all cases, consult students in advance of making any regulatory, beneficial or non-material changes. Following the consultation, the University may determine there would be a change to published material information, and apply this Policy.

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### 5. Policy on Changes to Published Material Information

5.1. For **applicants** where there is a change to published material information, including:

- advertising materials (such as the prospectus, University website or course pages),
- the offer letter and
- other communications (such as webpages, applicant portals and information packs)

5.1.1. There is to be a notification at the earliest possible opportunity to applicants of the decision to change the course, setting out the nature of the change, the reasons and the impact. There needs to be clear and full communication so the applicant can decide whether the course remains suitable or whether to consider an alternative course.

5.1.2. Where reasonable, the University will offer the applicant affected by the change a suitable replacement course.

5.1.3. The University will include a notification of a right to withdraw the application. In the event of a withdrawal, there would be an appropriate refund of course fees already paid.

5.2. For **students** on a course where there is a change to published material information, including:

- information made available as applicants and
- other information made available on the course (for instance, course and module handbooks)

5.2.1. There is to be a notification at the earliest possible opportunity to those students affected by a decision to propose a change to the course resulting in a variation of the previously published material information.

5.2.2. The University will engage in appropriate, active consultation, which can be evidenced, by seeking the views of each student on the course potentially affected by the proposal to change the course. Where there is a change to material published information, there is a need for the informed consent of

5.2.3. The University will consider the expressed views of all students before deciding whether or not to proceed with the proposal or decided on a modified proposal.

5.2.4. Where reasonable, the University will offer a suitable replacement course to any student affected by the decision to change the course remaining dissatisfied with the changed course offering.

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- 5.2.5. Where appropriate, the University will offer any student affected by the decision to change the course who remained dissatisfied with the proposed changes to the course offering the right to withdraw from the course. In the event of a withdrawal, and where applicable, there will be an appropriate refund of course fees in line with the [Student Refunds and Compensation Policy](#).

### 6. Nature of Changes to Published Material Information

#### 6.1. Examples that are not likely to represent changes to published material information

- (a) The addition of a new option module with no associated withdrawals of any other module option
- (b) Change of course director, module coordinator or School or course delivering the module
- (c) Responsibilities of members of staff
- (d) Shared teaching involving undergraduates across different Schools or Faculties
- (e) Changes to the allocation of notional hours between forms of activity that do not affect the contact hours
- (f) Changes to the module aims
- (g) Changes to the module learning outcomes, provided there is no impact on the overall course learning outcomes
- (h) Changes to the assessment for individual modules, provided there is no significant impact on the overall balance of assessment between examinations, coursework, practical assessments and placement
- (i) Minor changes to module content where there is no impact on the intended learning outcomes of the overall course or where it reflects changes to keep abreast of current knowledge or meet the requirements of regulatory bodies
- (j) Arrangements for teaching sessions, except where it a substitution of remote teaching provision for face-to-face provision
- (k) Submission dates for assignments and dates for assessments
- (l) Arrangements for the submission and return of work and marking and feedback on assessments, provided University requirements are met
- (m) Timetabling arrangements, provided they do not require attendance at campus more than that advertised
- (n) Placement arrangements

#### 6.2. Examples that are likely to represent changes to published material information

- (a) Location of study, including campus
- (b) Length of the course
- (c) Change to the course title

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- (d) Change to entry requirements or criteria
- (e) Changes to the title of both compulsory and option modules
- (f) Changes to the credit value of a module
- (g) Changes to the credit level of a module
- (h) Content changes that affect the intended learning outcomes of the overall course
- (i) Significant changes to the balance of assessment methods in use across the course, such as between examinations, coursework, practical assessments and placements
- (j) Withdrawal of modules and suspension of the offering of modules for a particular year
- (k) Changes that could be seen to disadvantage students (for instance, a significant reduction in in-person contact hours and the balance of activities)
- (l) Substitution of remote teaching provision for face-to-face provision
- (m) Changes in accreditation by a professional, statutory or regulatory body
- (n) Changes in special regulations or course conditions that a student might find surprising

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### Annexe: Consumer and Marketing Authority Guidance on Material Information

The following summarises the relevant aspects of the Consumer and Marketing Authority (CMA) Guidance [UK higher education providers – advice on consumer protection law](#).

#### ***Material Information***

According to the context, 'material information' is information the average consumer needs to take an informed transactional decision.

#### ***Transactional Decision***

A 'transactional decision' is any decision taken by a consumer, whether it is to act or refrain from acting, concerning:

- (a) whether, how, and on what terms to purchase, retain or dispense with a service, or
- (b) whether, how and on what terms to exercise a contractual right concerning a service.

#### ***Material Information in the University Context***

In the University context, material information is the information applicants and students need to make an informed decision, such as what and where to study.

Material information does not necessarily include all of the information that might potentially interest an applicant or student. It is the information needed to make an informed decision.

Giving applicants and students clear, intelligible, unambiguous and timely material information is essential.

Material information should be provided in all circumstances, whether or not the applicant or student requests it.

The CMA considered it essential for applicants and students to have complete information about courses and their costs upfront.

#### ***Material Course information***

The CMA considers the following to be Material Course Information

- (i) course title;
- (ii) entry requirements/criteria (both academic and non-academic), and an indication of the standard/typical offer level criteria;



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- (iii) core modules for the course and an indication of likely optional modules, including whether there are any optional modules that are generally provided each year;
- (iv) information about the composition of the course and how it will be delivered, and the balance between the various elements, such as the number and type of contact hours that students can expect (for example, lectures, seminars, work placements, feedback on assignments), the expected workload of students (for example the expected self-study time), and details about the general level of experience or status of the staff involved in delivering the different elements of the course. This would include general information about the experience or status of the staff involved in delivering the course, for example, professor, senior lecturer or postgraduate student.
- (v) the overall method(s) of assessment for the course, for example, examinations, coursework or practical assessments, etc. (or a combination of these);
- (vi) the award to be received on successful completion of the course and, if relevant, the awarding body or institution;
- (vii) location of study or possible locations, which should also include the likely or possible location of any work placements to be undertaken (where known);
- (viii) length of the course;
- (ix) whether the course and provider are regulated and by whom, for example, where an institution is regulated by the Office for Students or has a specific course designation;
- (x) whether the course is accredited, for example, by a professional, statutory or regulatory body, and by whom; and
- (xi) additionally, any particular terms, such as those in the HE provider's rules and regulations, that apply to the course that students may find particularly surprising (such as, for example, a term explaining that the body awarding the degree is different to the HE provider running the course) or are otherwise important (such as for example, any rules or regulations whose contravention might prevent a student from completing their course).

### ***Total Course Costs Information***

The CMA considers the following to be Material Course Information

- (i) tuition fees – this should include, if applicable, whether fees in future years will increase and by how much (for example, in line with inflation). If increases apply to only a certain group

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(such as international students) or in respect of a particular course, this should be made clear. If the future fee is not known, you should indicate clearly the criteria for any future changes and how these will be calculated.<sup>26</sup> Any possible fee increases should be restricted to limited circumstances where the HE provider has valid reasons for making the change; and

- (ii) other extra costs students are likely to incur, for example, for field trips, equipment, materials, bench fees or studio hire. You should indicate how much these extra costs are or are likely to be. Where they are unknown or uncertain, you should set out how they will be calculated and whether they are optional or mandatory for undertaking or passing the course. It is particularly important that you highlight any course costs that are likely to have a direct impact on the outcome of students' academic success, such as a field trip on which a piece of work will be based.

You should also set out when and how fees and any extra costs are payable and when the student will become liable for payment.

### ***Importance and Accuracy of Information***

Any pre-contract information included in advertising materials, such as the prospectus, University website or course pages, must be accurate, along with the offer letter and other communications (such as webpages, applicant portals and information packs given to applicants).

In the HE sector, switching courses or, in some cases, withdrawing and changing HE provider is likely to be difficult or impractical in practice. It underlines why it is essential for students to be able to predict, from the outset, what their course will involve and how much it will cost.

### ***Changes to Information Provided to Applicants***

The pre-contract information is a contract term between the University and the applicant. Because of the binding nature of the pre-contract information, any changes to pre-contract information require the applicant's express consent.

'Express agreement' to a change could be obtained, for example, by email or other express communication, or by highlighting very clearly the proposed changes in the offer letter, so it is clear on what basis the applicant is accepting the offer.

### ***Changes following an Applicant Registering as a Student***

Terms that allow an HE provider to vary the course content or fees may be unfair where they allow wide discretion to make changes to essential aspects of the service.

Students must receive what they expected rather than something different.

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It does not rule out all variation, however. An HE provider can make adjustments, for example, that may be necessary to reflect changes to the theory in an area of research or practices around the subject or its delivery.

The need for variation needs to be balanced against the overarching requirement that students should receive the educational service they expect.

A term allowing variation that gives an HE provider too wide a discretion to make changes to the detriment of students can upset the balance between the parties, even though intended to facilitate minor adjustments.

A term that allows change to aspects of the educational service is more likely to be considered fair if restricted to

- allowing minor adjustments that are unlikely to impact students negatively; or
- changes required by necessity. For example, a term that allows for changes to a course to be made as a result of a commissioning or accrediting body requiring certain course content to be added or changed (such as requiring that a particular module is included on a course)

Such changes are more likely to be considered fair than a term allowing for any changes to be made, for any reason, to the course content.

Where some flexibility to make changes is required, it is vital that the student is given clear information upfront about how the variation will operate and also is given the right to cancel and switch HE providers if changes are made – rather than being locked into a contract that they cannot get out of without penalty. In these circumstances, the right to cancel must be real and capable of being exercised in practice.

A term is unlikely to be considered fair if

- it allows blanket changes and broad discretion to change significant aspects of the course, such as
  - the course content,
  - the location of study,
  - the overall method of assessment
  - the final qualification to be awarded

Changes should be narrow in scope and limited to what is objectively necessary.

Given the potential detriment to the student by significant changes to what was expected, it is essential to describe the circumstances, when and reasons why this might happen so the student can foresee how and when changes might be made.

### ***CMA View on Variations to Courses***

The CMA view is a variation term on course changes that may be less likely to be open to legal challenge for potential unfairness in the following circumstances:

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- (a) it is narrow in its scope and effect;
- (b) it sets out valid reasons for why changes might be necessary, and students are able to foresee when and what changes might be made;
- (c) it sets out how the HE provider will deal with any changes that become necessary (for example, it will provide adequate notice of proposed changes to students and take all reasonable steps to minimise disruption to students);
- (d) the term is set out in plain and intelligible language so students can understand and foresee its potential impact on them and is actively drawn to the student's attention up front;
- (e) the HE provider informs students about any proposed changes in good time before they become effective. However, note that providing notice of changes will not alleviate the unfairness of a term that is not substantively fair; and
- (f) the student is able to terminate their obligations where they are adversely affected by the change

### ***CMA View on Fee Increases***

The CMA view is a variation term relating to fees increases that may be less likely to be open to legal challenge for potential unfairness in the following circumstances:

- (a) clear, accurate information about potential fee increases is actively drawn to a student's attention up front alongside information about the course fees generally, so they can foresee whether and how fees could change;
- (b) the term sets out limited circumstances and valid reasons why fees might increase – for example, the provider sets out its ability to increase fees in line with inflation to reflect increased costs of delivering the course;
- (c) increases are linked to a verifiable objective index, such as the Retail Prices Index for inflationary rises, which would give an objective, clear framework for students to foresee when the fees would be expected to change. Fairness is more likely to be achieved if increases are limited to a relevant cap, as this assists the foreseeability of changes. In addition, the method of calculating any variation should be clearly explained so students can foresee how the increase would affect them in practice;
- (d) the term sets out a clear framework of who may be subject to fee rises (for example, if fee rises will only apply to some students, which particular group of students or in relation to which courses, and in respect of which funding models), so students can foresee the circumstances in which a change could occur; the HE provider informs students about any fee increases in good

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time ahead of the next academic year. However, note again that providing notice of a fee increase will not alleviate the unfairness of a term that is not substantively fair; and

(e) the student can terminate their obligations where they are adversely affected by the change.

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