

DISCIPLINE

Welcome to Advice Direct..., the written information service from Guild Advice.

This leaflet is designed to provide you with information on discipline at the University of Birmingham, and procedures that take place for offences within the University Regulations and sources of help should you need assistance.

The University disciplines students to protect its property and reputation, but more importantly, to create an environment in which all students can learn and perform to their full potential. It is also important that students are free to enjoy themselves without fear of intimidation or harassment, both on and off campus. Therefore the disciplinary procedures are in place to protect students, staff and the University as a whole.

This guide will examine offences outlined within the University Regulations, specifically **Section 8 – Student Conduct**. These include:

- Any breach of University Statute, Ordinance, Regulation or Code of Practice.
- Fraud, deceit, deception or dishonesty in relation to the University or its staff, students or visitors.
- Violent, indecent, disorderly, threatening, intimidating, or offensive behaviour or language.
- Harassment of any University student, member of staff or any visitors.
- Intentionally or recklessly causing damage to the property of the University, its staff, students or visitors.
- Theft, misappropriation or misuse of property of the University, members or employees.
- Substantial obstruction or improper interference with the functions, duties or activities of any University student, member of staff or any visitors.

Conduct resulting in a student receiving a formal police caution (even if not subsequently charged or convicted).

- Conviction of a criminal offence.
- Conduct which could bring the University into disrepute (wherever occurring).
- The possession, storage, sale, use or misuse of a controlled drug on University property.
- Contempt of the University discipline procedures.
- Cheating or plagiarism when judged as serious in assessed academic work or in examinations.

If you are subject to an investigation into an alleged exam irregularity, please see the Advice Direct on Exam Irregularities for further advice.

For A Full List See Section 8 – Student Conduct at:

<http://www.birmingham.ac.uk/Documents/university/legal/regulations-part8.pdf>

The type of disciplinary action taken against you will depend on the programme of study you are registered on. If by successfully completing your course you will have a **direct or partial license to practise**, you will be referred to the **College Fitness to Practise Committee** (see below). The programmes that are currently subject to Fitness to Practise are:

- Bachelor of Arts in Social Work
- Bachelor of Dental Surgery
- Bachelor of Medicine, Bachelor of Surgery
- Bachelor of Nursing
- Bachelor of Science in Physiotherapy (full time and flexible routes)
- Bachelor of Science in Dental Hygiene and Therapy
- Diploma of Higher Education/Bachelor of Philosophy in Community Play and Youth Studies
- Diploma of Higher Education in Dental Hygiene

- Diploma of Higher Education in Nursing
- Doctor of Clinical Psychology
- Doctor of Forensic Psychology Practice
- Master of Arts in Social Work
- Master of Science in Forensic Psychology Practice
- Master of Science in Pharmacy
- Master of Science in Physiotherapy (Pre-registration)
- Postgraduate Diplomas in Education leading to qualified teacher status (QTS)
- Postgraduate Diploma in Physician Assistant Studies
- Postgraduate Diploma in Social Work
- Postgraduate Professional Training Programme in Education Psychology

**If You Are Not Registered On Any Of The Above Programmes,
You Will Be Referred To Your College Misconduct Committee under the Code
of Practice on Misconduct and Fitness to Practise Committee**

Initial Procedure

Where an offence has allegedly taken place, an Investigating Officer will be required to investigate the circumstances, and **you will be invited to a meeting in writing, with the Investigating Officer**, who will be either a member of Academic Services or a member of your College (dependent on the allegations in questions and your programme of study).

As part of the investigatory process this interview should refer to the allegations and the potentially any evidence against you (if relevant), but will also allow you to respond to the allegations as appropriate.

A **Full Time Officer from the Guild** is a University of Birmingham Student who has been elected to provide representation for students, an officer can attend a meeting with you to provide support and ensure procedures are followed. This can be arranged through Guild Advice Advisors.

If the Investigating Officer decides that there is a case to answer, and you admit to the offence (paying compensation where relevant), the Investigating Officer may deal with the case summarily. They can either:-

- Reprimand you;
- Impose a penalty;
- Determine that you should undertake community service, specifying the details of the service before you accept this outcome; or,
- Accept an undertaking from the student as to his or her behaviour or to engage with appropriate student support and/or remedial tuition.

If you **deny the allegation** or **do not wish for the matter to be dealt with summarily**, or if the Investigating Officer deems that the offence is of **a more serious nature than a summary offence**, they will then write to the Head of College stating this, and a College Misconduct Committee or a College Fitness to Practice Committee will be convened (see below).

Where the offence is not dealt with summarily, then it will be dealt with as a non-summary offence (See below) under section 4 of "Regulation 8 – Student Conduct" and section 3 of "Code of Practice on Procedures for Misconduct & Fitness to Practise Committee".

Procedure in Non-Summary Hearings

If your matter has been referred to either a College Misconduct Committee or a College Fitness to Practise Committee, it will be dealt with as a non-summary offence, and you will have the opportunity to attend a hearing before a panel of academics (primarily, although this is slightly different for fitness to practise related courses).

You will be notified of the names of the panel members, and you can object to any of them up to 5 working days before the hearing on the basis of bias from:-

- (a) involvement in the process at an earlier stage
- (b) involvement in a related hearing or grievance procedure
- (c) prior knowledge of the student or the matter.

Following your interview with the Investigating Officer, they will complete what is typically referred to as the “**Investigating Officer's Report**”. This will include which parts of the University regulations have been allegedly breached, the basis for the alleged breaches with any supporting evidence, and also incorporating any statement that you have made to this point.

All of this information will be forwarded by the College Misconduct Committee, or the College Fitness to Practise Committee Secretary to you, with a letter **requesting a response** from you to the allegations by a specific date – at least 10 working days from the date of the letter.

As part of your response you will need to address **the allegations** – do you accept or deny them, provide **a detailed account of the allegations** - this is your interpretation, including dates of events, names of contacts or individuals involved, and include **any relevant supporting evidence** – any documents that supports your claim (e.g. letters, receipts, witness statements, character references) including any mitigating circumstances. At this stage you should be ensuring that any and all relevant evidence is included in your response and the accompanying evidence. You should also inform the Secretary of the names of any witnesses you will be calling in support of your case.

It is always advisable that you contact Guild Advice to ensure that you receive confidential advice and help with your response from a Guild Advice Advisor before submitting it (see 'Sources of Help', below).

Once you have sent your written response, arrangements will be made for the case to be heard at a formal hearing by the College Misconduct Committee, or the College Fitness to Practice Committee where relevant. You may attend the hearing with a 'friend', who can be either a member of the University academic staff, a registered student or a Full Time Officer from the Guild. You can contact Guild Advice to arrange to be **accompanied by a Full Time Officer**, however, this will depend on the availability of the Officers, so you must contact Guild Advice as soon as you have a hearing date and time in order for us to try to organise this for you.

Please note, that if you fail to respond within the specified time-limits, the process will still continue without you.

The Hearing:

Both the College Misconduct Committee and the College Fitness to Practise Committee are **private meetings** to which family members and individuals who are not your nominated "Friend" within the University legislation, will not normally be allowed to enter.

Section 4 of the "**Code of Practice on Misconduct and Fitness to Practise Committee**" outlines the process to be followed during either hearing.

The Committee will be made up of 12 plus individuals – depending upon the nature of this being either a College Misconduct Committee or a College Fitness to Practise Committee.

Initially, you, your "friend" and the Case Presenter from the University will be invited in to the hearing together.

If you have admitted the offence, the Case Presenter shall present the Investigating Officer's Report to the Committee and make any relevant comments about the events leading to the offence. They will also potentially highlight any appropriate sanctions in the light of all the circumstances as they shall think fit.

Part 1 of the Hearing:

If you deny the charge, the case shall be presented to the Committee by the Case Presenter in the following format:-

1. The Case Presenter may:

- make a statement concerning the case;
- call witnesses in turn relating to the case;

2. The University's witnesses may:

- make a statement to the Committee;
- be questioned by the Case Presenter through the Chair;
- be questioned by you or your friend through the Chair;
- be questioned by the Committee.

3. The Case Presenter may:

- be questioned by you or your friend through the Chair
- be questioned by the Committee;

4. You (or your friend) may then:

- make a statement concerning the case;
- call witnesses in turn in relation to the case;

5. Your witnesses may:

- make a statement to the Committee;
- be questioned by you or your friend through the Chair;
- be questioned by the Case Presenter through the Chair;
- be questioned by the Committee.

6. You (or your friend) may then;

- be questioned by the case presenter through the Chair;
- be questioned by the Committee

Finally, you (or your friend) may make a final statement summarising the case so far, including any points that they feel the Committee needs to focus on. You may also be able to raise at this point any mitigating circumstances which you wish the Committee to consider in relation to whether the offence is proven on the balance of probabilities.

Your opening statement will be a recap of your response to the Investigating Officer's Report and evidence, highlighting the main arguments and evidence you have already presented to the Committee. We would recommend that this statement is drafted prior to any hearing, and sent to the ARC, well in advance (or your allocated Guild Advice Advisor) for feedback and further advice.

Everyone except for the Committee and their Secretary will withdraw at this stage, and the Committee will come to a decision as to whether the allegations have been proven. If the Committee find that you have committed the alleged breaches of the University's regulations then they will reconvene to consider what sanction to impose.

Part 2 of the Hearing:

Where the Committee reconvene to discuss the sanction to impose on you, the following process will be followed:-

1. The Case Presenter may:

- make a statement in relation to the sanction;
- call witnesses in relation to the sanction;

2. The University's witnesses may:

- make a statement to the Committee in relation to the sanction;
- be questioned by the Case Presenter through the Chair;
- be questioned by you or your friend through the Chair;
- be questioned by the Committee;

3. The Case Presenter may then:

- be questioned by you or your friend through the Chair;
- be questioned by the Committee;

4. You (or your friend) may then:

- make a statement in relation to the sanction and any mitigating factors;
- call witnesses in turn in relation to the sanction;

5. Your witnesses may:

- make a statement to the Committee in relation to the sanction and any mitigating factors;
- be questioned by you or your friend through the Chair;
- be questioned by the Case Presenter through the Chair;
- be questioned by the Committee;

6. You (or your friend) may then:

- be questioned by the Case Presenter, through the Chair;
- be questioned by the Committee;

Once again you can make final closing statement summarising the case so far, including any points that you feel the Committee needs to focus on.

All parties will now withdraw and the Committee will come to a decision about the sanction(s) and you will be informed in writing by the Secretary in due course.

The Outcome:

This outcome will be sent to you within 2 working days of the hearing, and will comprise the Committee's decision, the reasons for the decisions and a copy of the report prepared by the Committee. A full report should accompany the outcome letter within this time limit, however if not provided this should follow within 5 working days.

The Committee has a wide range of outcomes available to it for **non-academic misconduct hearings**, including choosing **only one** of the following:-

- a reprimand;
- with the student's consent, community service (as defined under the Student Conduct Regulations), the details of which must be specified before consent is solicited;
- a fine;
- disqualification of the student from use of or access to any University service or facility or premises for such period as the Committee may decide;
- suspension of the student from membership of and/or attendance at the University for a specified period not exceeding one year;
- withdrawal of the student from the Programme (option available to College Fitness to Practise Committee only); or,
- withdrawal of the student from the University.

The Committee may also **suspend any of these outcomes**, subject to agreed conditions. In addition to any of the above, the Committee may:

- disqualify the student from use of or access to any University service or facility or premises for such period as the Committee may decide;
- order a student to make good in whole or in part any damages resulting from a disciplinary offence. This includes damage to the property of the University or of any member, officer or employee of the University, either by payment of the cost of reinstatement or otherwise as may be appropriate (a compensation order);
- accept an undertaking from the student as to his or her behaviour or to engage with appropriate student support and/or remedial tuition.

In relation to hearings for **academic misconduct** matters, the Committee can choose **only one** of the following sanctions:-

For Taught Programmes/taught elements of a Research Programme

- Accept an undertaking from the student to engage with appropriate student support and / or remedial tuition. The Committee should specify any consequences of failure to comply with any such undertaking.
- the examination or assessment mark already obtained stand;
- the mark obtained be downwardly adjusted, reflecting your actual contribution, including a mark of zero. If this leads to a failure of the module then you will be allowed a further attempt at passing the module at the capped pass mark;
- the mark obtained be downwardly adjusted, reflecting your actual contribution, including a mark of zero. If this means failure of a module then no further attempts at reassessment/ passing the module will be allowed;
- the mark be set to zero with no opportunity for reassessment;
- suspension from the University for up to a maximum of one year;
- withdrawal of the student from the University;
- the revision of the degree classification that would have been awarded;
- the award of a Postgraduate Certificate, Postgraduate Diploma or Taught Postgraduate Degree be limited to Pass or Merit only where a Merit or Distinction may have been awarded.

Additionally, For College Fitness to Practice Committees, if fitness to practice is found impaired the committee may impose a condition provided that:

- the Committee is satisfied that the impairment can be remedied through conditions.
- the conditions are necessary to address the impairment of the students conditions.
- the conditions are appropriate, proportionate, workable and measurable.

For Research-based programmes, these additional penalties are available:

- for research assessments that do not carry a numerical mark the outcome will be considered a fail or non-submission.
- for research assessments that do not carry a numerical mark a further opportunity to resubmit the assessment at a date specified by the committee will be given.
- the student may submit/resubmit his/her dissertation/thesis for the original qualification with the offending sections/data removed;
- the student may be required to remove the offending sections/data from his/her dissertation/thesis, and to submit/resubmit the resulting dissertation/thesis for a lower award of the University, to be determined by the Misconduct Committee.

Appeals to the University Misconduct & Fitness to Practise Committee:

Under "**Section 8 – Student Conduct**" you can appeal the decision of either the College Misconduct Committee or the Fitness to Practise Committee within 15 working days of the date of the outcome letter accompanied by the full Committee report. If the report is sent later, the date to be taken will be from the date on the report. There are only 3 grounds of appeal available to you when appealing, and these are:-

- (a) the sanction is disproportionate to the offence;
- (b) a procedural irregularity;
- (c) relevant new evidence which was not available at the time of the initial hearing.

To appeal you will need to complete Appeal to University Misconduct or Fitness to Practice Form which can be found using this link:

<https://intranet.birmingham.ac.uk/as/studentservices/conduct/discipline/index.aspx> The form will need to be returned to Student Conduct within the 15 working days as specified above.

Before deciding to appeal, students are strongly advised to speak to a Guild Advice Advisor for further advice on the process and the grounds of appeal.

Discipline in Residences

Please note that there is a separate Code of Practice and process for dealing with discipline within the University residences (for example the Vale) can be found here:

<http://www.birmingham.ac.uk/Documents/university/legal/discipline-in-residences.pdf>

If you are subject to this process please contact Guild Advice for specific support.

Sources Of Help

Guild Advice, Guild of Students

Email: thearc@guild.bham.ac.uk

Visit the website at: <http://www.guildofstudents.com/support/thearc/>

Opening Hours

Drop In Clinics

Saturday/Sunday

Monday – Friday

Monday - Friday

CLOSED

Term: 10am-4pm Vacation: 12pm-2pm

12 – 2pm

Student Conduct:

Email: conduct@contacts.bham.ac.uk

Website: <https://intranet.birmingham.ac.uk/as/studentservices/conduct/index.aspx>

Regulation 8:

<http://www.birmingham.ac.uk/Documents/university/legal/regulations-part8.pdf>

Code of Practice on Misconduct and Fitness to Practise Committees:

<http://www.birmingham.ac.uk/Documents/university/legal/misconduct-fitness-practice.pdf>

Code of Practise on Discipline in Residences:

<http://www.birmingham.ac.uk/Documents/university/legal/discipline-in-residences.pdf>

University Legislation

<http://www.as.bham.ac.uk/legislation/>

Students Charter

<http://www.as.bham.ac.uk/legislation/docs/charter.pdf>

Disclaimer: The information on this leaflet only provides general guidance on academic support and University policy. The leaflet should not be regarded or relied upon as a complete or authoritative statement of University policy or procedures. Guild Advice will not accept any liability for any claims or inconvenience as a result of the use of information on this leaflet.

© Guild Advice [November 2015]

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Road, Birmingham, B15 2TU

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