

University of Birmingham

Proposal to Clarify the Recruitment Process of the Investigating Officer

Purpose of the Paper

1. APRC is requested to **approve** a change to Regulations for effect in 2009/10 to clarify the recruitment process of an Investigating Officer who has been appointed for the purposes of investigating matters of student conduct.

Proposal(s)/Recommendation(s)

2. That Regulation 8.3.1 be amended as follows (additions underlined, deletions struck through):

8.3.1 *Every alleged offence shall first be investigated by the Investigating Officer, ~~where the Investigating Officer is a member of the same College as the student and shall either be appointed by the Head of College, where the Student is subject to Fitness to Practise procedures, or shall be the Director of Academic Services or his nominee for students on all other programmes.~~ The Investigating Officer shall be either: a member of the same College as the Registered Student, and shall be appointed by the Head of College; or shall be the Director of Academic Services, or his nominee.*

Consultation

3. This proposal has originated from discussions with the Student Conduct and Appeal Team, Colleges and the Curriculum Development Unit, and relates to an area where a problem has been noted in that the current Regulation 8.3.1 has caused some confusion and has not operated efficiently.
4. The proposed amendment of Regulation 8.3.1 has been approved by the Student Conduct and Appeals Manager, and has been further consulted upon within Academic and Student Administration.

Background

5. Regulation 8.3.1 currently distinguishes between the appointment of Investigating Officers, who are appointed by the Head of College and from the same College as the Registered Student, where the case concerned is that of a Registered Student subject to Fitness to Practise procedures, and investigation by the Director of Academic Services, or his nominee, for Registered Students on all other programmes.

6. Therefore, the current Regulation implies that if a Registered Student is registered on a programme that is subject to Fitness to Practise procedures, then their case will always be investigated by an Investigating Officer appointed by the Head of College, and that for cases involving Registered Students on other programmes, the Investigating Officer will be the Director of Academic Services, or his nominee.
7. However, depending upon the nature of the issue and the manner in which it has been reported, there may be occasions when it is appropriate for Registered Students on programmes subject to Fitness to Practise procedures to have their cases investigated by the Director of Academic Services, or his nominee.
8. Furthermore, the investigation of plagiarism is conducted by Colleges and not by the Director of Academic Services, or his nominee, thereby requiring a clarification of Regulation 8.3.1 by the amendment proposed.

Argument to support proposal(s) / recommendation(s)

9. Regulation 8.3.1 should indicate that there are some circumstances in which an alleged offence will require investigation by an Investigating Officer appointed by the Head of College, and others that will require investigation by the Director of Academic Services, or his nominee, even if the Registered Student is subject to Fitness to Practise procedure. For example, the Director of Academic services, or his nominee, will always investigate central examination irregularities and Colleges should always investigate incidents of plagiarism.
10. In its current form, Regulation 8.3.1 lacks clarity and creates the risk that a Registered Student on a programme subject to Fitness to Practise procedures could cite a procedural irregularity if their case were to be investigated by the Director of Academic Services, or his nominee, when there has been an examination irregularity, for example. The matter could be escalated to a College and/or University Fitness to Practise Committee, at which the Registered Student could claim that the matter should have been investigated by an Officer appointed by the Head of College.
11. The proposed amendment to Regulation adds clarification in that it makes it clear that an Investigating Officer will be appointed, who will either be from the same College as the Registered Student, or will be the Director of Academic Services, or his nominee, and this does not limit the appointment to specific circumstances.
12. The proposed amendment to Regulation 8.3.1. has been Equality Impact Assessed during preparation.

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