

University of Birmingham

Code of Practice on Misconduct and Fitness to Practise Committees

Topic and purpose of the paper

- 1 APRC is asked to **consider**, and if thought appropriate, **approve** amendments to the Code of Practice on Misconduct and Fitness to Practise Committees.

Proposal

- 2 The changes to this Code of Practice are intended to improve the processes and procedures around Misconduct and Fitness to Practise, and provide clarity for both staff and students, and incorporate feedback received from colleagues and Committees during the 2010/11 academic session.
- 3 The Code of Practice has been scrutinised by the Legal Services with revisions being made to ensure the document is legally sound.

Significant changes set out in the attached Code of Practice

- 4 A number of additions have been made to section 4, "Order of the College Misconduct and Fitness to Practise Committee", to clarify the various stages of the process and to enable any appropriate participant in the Committee to question other parties (through the Chair, as appropriate).
- 5 Section 4.6 emphasises that the Case Presenter should not include any previous misconduct committed by the student which does not form part of the current charge – excepting the offence of plagiarism.
- 6 Section 4.13 has been added to the Code of Practice in order to confirm the conclusion of the process in cases where the allegations are not proven.
- 7 Section 4.21 now makes specific reference to the decision about sanctions for students following fitness to practise programmes.
- 8 The most significant revisions are to sections 5 and 6, where the sanctions for non-academic misconduct and academic misconduct have been separated into two sections for added clarity, and to section 5.2: this now specifies how any suspension of sanctions by the Committee should be recorded and cascaded to the School.
- 9 Section 6 – Sanctions in non-summary hearings for academic misconduct: section 6.1.1 (a) – (i) now reflects the comprehensive range of possible sanctions, and includes the downward adjustment of marks (with or without the possibility of a

further attempt), suspension or withdrawal, and the award of an alternative qualification.

- 10 Section 6.3 lists the considerations that the College Misconduct Committee or the College Fitness to Practise Committee need to decide upon prior to the closure of the process, and adds the issue of entitlement to an academic transcript to these considerations.
- 11 Sections 4.20 (College level) and 8.11 (University level) now specifically allow for a legal representative (if appointed) to remain in attendance with the Committee whilst the sanction or appeal (as appropriate) are decided upon.
- 12 Significant changes to numbering have been made in the revised Code of Practice as a result of the various additions and reformatting, however the substantive changes to the actual content as such are those identified above in paragraphs 6-13.

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